

## Fiscal Estimate - 2021 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>21-2841/1</b>	<b>Introduction Number</b> <b>AB-0448</b>
<b>Description</b> prosecution decisions following deaths involving law enforcement officers	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate     <input type="checkbox"/> Increase Existing Appropriations     <input type="checkbox"/> Decrease Existing Appropriations     <input type="checkbox"/> Create New Appropriations</div><div style="width: 33%;"><input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues</div><div style="width: 33%;"><input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                                     <input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs</div></div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate     1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenue        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory            <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory     2. <input type="checkbox"/> Decrease Costs                     4. <input type="checkbox"/> Decrease Revenue        <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory            <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</div><div style="width: 33%;"><b>5. Types of Local Government Units Affected</b> <div style="display: flex; flex-wrap: wrap;"><div style="width: 33%;"><input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts</div><div style="width: 33%;"><input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts</div><div style="width: 33%;"><input type="checkbox"/> Cities</div></div></div></div>	

## Fiscal Estimate Narratives

DA 8/8/2021

LRB Number	21-2841/1	Introduction Number	AB-0448	Estimate Type	Original
<b>Description</b> prosecution decisions following deaths involving law enforcement officers					

### Assumptions Used in Arriving at Fiscal Estimate

This fiscal estimate is submitted by the Director of the State Prosecutors Office on behalf of Agency 475 – District Attorneys. This fiscal estimate is responsive only to the fiscal and resource effect of the proposed legislation on the District Attorney program.

Current law requires an investigation following a death that involves a law enforcement officer and outlines specific requirements of the investigation. One requirement is that the investigators provide a report of the investigation to the district attorney of the county in which the death occurred, and that district attorney must determine whether to prosecute the officer. This bill requires instead that the district attorney provide the report to a special prosecutor appointed by the court and that special prosecutor then must determine whether to prosecute the officer.

Under current law special prosecutors are made available to DA offices if the DA or court determines a conflict of interest exists (as well as under various other scenarios). Current practice is that for matters requiring assignment of a special prosecutor, assistance should first be sought from other DA offices and DOJ. If assistance is not available, a private attorney may be selected to serve as special prosecutor. Ethics rules preclude practicing criminal defense attorneys (or their law firm colleagues) from serving as special prosecutors.

To the extent that other DA offices would provide the special prosecution on these matters, the costs agency-wide would slightly increase. It is less efficient to prosecute out-of-county crimes and there would be some costs related to travel, lodging, etc. For cases where other DA offices are unable to provide the special prosecution, paying private bar attorneys for the special prosecution would increase costs to the agency more significantly.

### Long-Range Fiscal Implications

The long-range effect of this bill would be to increase costs to Agency 475. Further study is required to determine the extent of these cost increases.