

FISCAL ESTIMATE

DOA-2048 N(R10/98)

- X ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Prisoners throwing or expelling certain bodily substances at or toward others

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

X Increase Costs - May be possible to Absorb Within Agency's Budget Yes X No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- X GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. 20.550 (1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes it a felony for a prisoner to throw or expel certain bodily substances toward another prisoner or an officer, employe, or visitor of the prison or facility. Enactment of this bill would increase costs to the State Public Defender's Office as follows:

According to the Division of Adult Institutions within the Department of Corrections, approximately 72 incidents involving the behavior prohibited in the bill occurred in 1998. Assuming, upon enactment of this bill, that the same number of incidents are charged and that all of the persons charged would qualify for public defender representation, the SPD would handle an additional 72 felony cases per year. The annual cost to the agency would be approximately \$51,840 (assumes the \$40 per hour private bar rate). It should be noted that, under the bill, such behavior would also be a felony if committed in any "other state, county or municipal detention facility." The SPD is unable to estimate the number of such incidents that occur in these facilities. If such incidents do occur in these facilities and if such incidents would be charged upon enactment of this bill, then the additional felony cases handled by the SPD would further increase.

Another provision of the bill allows a court to order a person to undergo tests for the presence of communicable diseases if the person has been charged with, convicted of or found not guilty by reason of mental disease or defect of the crime created in the bill. This provision of the bill could further increase SPD costs because the law would require that a hearing be held whenever the prosecutor files a petition requesting such testing. When such a petition is filed, it is likely that the SPD will at the same time be representing the defendant on the underlying criminal charge. Therefore, the SPD attorney (staff or private bar) will represent the defendant at the hearing on the petition for communicable disease testing. It should be noted that, under current law, if the SPD is not representing a defendant at the same time that the prosecutor requests testing for communicable diseases, the SPD would not appoint counsel to represent the defendant for that sole purpose.

This fiscal estimate assumes that the private bar would handle the additional cases created by this bill.

Long-Range Fiscal Implications

Using the above assumptions, annual increase in costs of \$51,840. Costs could be higher if more cases are charged.

Agency/Prepared by: (Name & Phone No.)
Public Defender/Gina Pruski/6-6782

Authorized Signature/Telephone No.

Gina Pruski #6-6782

Date
April 14, 1999

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 110 (LRB-0109/2)

Amendment No.

Subject
Prisoners throwing or expelling certain bodily substances at or toward others

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs (private bar appropriation)	\$51,840	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$51,840	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$51,840	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$51,840	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency/Prepared by: (Name & Phone No.) Public Defender/Gina Pruski/6-6782	Authorized Signature/Telephone No. <i>Gina Pruski</i> 6-6782	Date April 14, 1999
--	---	------------------------