

Fiscal Estimate Narratives
DOJ 2/11/02

LRB Number 01-4067/1	Introduction Number SB-363	Estimate Type Original
Subject Anti-terrorism provisions		

Assumptions Used in Arriving at Fiscal Estimate

This bill proposes many changes to current law and clarifies and broadens the definitions for threats and similar crimes to give prosecutors and local law enforcement greater flexibility to address hoax and facsimile threats. A more detailed descriptions is below.

1) Creating a new crime for those providing support to terrorists.

- Would be more general than "party to a crime" and provide law enforcement additional tools for those who may have aided terrorism before or after the act takes place.

Fiscal analysis: This provision allows prosecutors more discretion based on the merits of the case.

2) Creates new penalty and creates a definition for threatened use of destructive device or hoax device.

- Creates new definition of destructive device to include explosives, weapons of mass destruction, and facsimile destructive devices. Expands the existing bomb scare statute to include the use of these types of devices.

- Also defines detonator and firebomb

- Class C felony for use of destructive device. Class D felony for threat of use of destructive device.

Fiscal analysis: Better defines and modernizes devices that may be used in a crime. Should have no fiscal effect and may allow prosecutors more charging flexibility.

3) Broadens Definition of Threats to Public Officials and Employees

- Related to duties of the offices

- Broadens this protection to jurors

- Class D felony to make these threats

Fiscal effect: Should have no fiscal effect and may save retrial costs if jurors have been compromised.

4) Creates Terrorist Threat Definition

- Vague or general threats with no specific use of weapons would be a Class E felony for threats to bodily harm

- Threats to substantial property would be a felony

- Threats to property damage would be Class A Misdemeanor

Fiscal Effect: Allows greater flexibility to the prosecutors and may deter some future criminal activities.

5) Additional Investigative tools for Prosecutors and Law Enforcement

- Additional safeguards for name changes on state issued identifications

- Broader use of DOT photo id by law enforcement (currently prohibited from using for photo array)

- Create obstruction of bomb disposal to military personnel and other bomb dismantling groups not currently covered by law enforcement

- Allows use of photos (of the destructive device) as evidence in court in lieu of the device which may have been destroyed

- Amend machine gun statute to regulate the "transport" of machine gun and tear gas. This would make this statute consistent with the explosive statute.

- Theft of a firearm or explosives from law enforcement or military personnel would be a Class D felony

- Allow for multi-jurisdictional subpoena power to be overseen by Attorney General

Fiscal Effect: These provisions are designed to streamline investigations and may save money for local law enforcement agencies.

6) Statewide Grand Juries

- Broaden the listing of crimes for which an Attorney General may call a Grand Jury. The listing would include all terrorist threats or use of destructive devices

Fiscal Effect: This provision can be absorbed within the Department's budget as are all major crimes with

statewide significance by redeploying existing resources for investigating a crime of this magnitude.

7) Wiretapping

Phase I.

A. Incorporate Current Federal Law into Wisconsin's Electronic Surveillance Control Laws. Wisconsin's law currently authorizes electronic surveillance for "homicide, felony murder, commercial gambling, bribery, extortion, dealing in controlled substances or controlled substance analogs, a felony computer crime or any conspiracy to commit any of the foregoing offenses. This proposal would expand to include any other crime "dangerous to life, limb, or property."

B. Would also allow electronic surveillance for emergency situations that involve "immediate danger of death or serious physical injury to any person. This would require courts to preapprove all emergency surveillance with written application within 48 hours of the issuance of the original oral order.

C. Roving Electronic Surveillance Authority. Under current federal law, law enforcement agencies may obtain a court order allowing surveillance of communications of a particular individual, regardless of the nature of the equipment that he uses. These "roving Interception" orders are more stringent than a generalized electronic surveillance order.

Fiscal Effect: The Attorney General is already required to approve all wiretaps proposed for use by local or state law enforcement officials. The roving wiretap may actually save money for local law enforcement who may have to request multiple wiretaps if the suspect changes the mode of communication that is currently being tracked by law enforcement.

8) Improve Money Laundering Investigations

Allow local and state officials the same law enforcement tools that federal officials use to identify and prosecute money-laundering offenses.

Fiscal Effect: This proposal will aid the investigative efforts of law enforcement and should not have any fiscal effect.

Long-Range Fiscal Implications