

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number **05-3492/1**      Introduction Number **AB-648**

**Subject**  
 Retention and testing of DNA evidence; time limits for prosecution of a crime related to a sexual assault; procedures for using an eyewitness to identify a suspect; recording custodial interrogations

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate  
      Increase Existing Appropriations     
  Increase Existing Revenues     
  Increase Costs - May be possible to absorb within agency's budget  
      Decrease Existing Appropriations     
  Decrease Existing Revenues     
    Yes                     
  No  
      Create New Appropriations     
    Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1.  Increase Costs      3.  Increase Revenue  
      Permissive  Mandatory     
      Permissive  Mandatory  
 2.  Decrease Costs      4.  Decrease Revenue  
      Permissive  Mandatory     
      Permissive  Mandatory

5. Types of Local Government Units Affected

Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**

GPR   
  FED   
  PRO   
  PRS   
  SEG   
  SEGS s.20.475(1)(d)

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DA/ Stu Morse (608) 267-2700	Stu Morse (608) 267-2700	8/31/2005

## Fiscal Estimate Narratives

DA 9/2/2005

LRB Number	05-3492/1	Introduction Number	AB-648	Estimate Type	Corrected
<b>Subject</b>					
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### Assumptions Used in Arriving at Fiscal Estimate

Although workload issues are somewhat speculative at this time, based upon the experience of many prosecutors working with juvenile cases, following the recent state Supreme Court decision requiring such cases to have recordings, the following conclusion may be tentatively drawn:

- 1) In cases where the allegations are very serious (sexual assaults, homicides, armed robbery, etc.), prosecutors often feel bound to listen to the tape, even when the written police summary is available.
- 2) The written police summaries are often not as well done as would be liked and the officer often cannot be reached before the prosecutor reaches a mandatory time limit. Thus the prosecutor must listen to the tape to proceed in a timely manner.
- 3) Anytime a prosecutor listens to the tape, listening just once is often not enough. The quality of the tapes is a factor as is the fact that many defendants do not speak easily understandable tape recorded English. In many cases, English is the defendant's second language.
- 4) Many prosecutors have found that they are getting just as many defense motions as before the court's juvenile taping decision. This is irrespective of the quality of the Miranda waiver given. The defense motions now focus on what occurred prior to the tape recording.

The result of the juvenile taping requirement, thus far, has often been that more prosecutor time per case is needed.

The reforms proposed by this bill, thus, are anticipated to create additional prosecutorial workload issues once expanded to the adult system.

Based on these considerations, additional prosecutors are likely to be needed as follows: Milwaukee (4.0 FTE), Dane (1.0), Waukesha (1.0), Racine (1.0), Kenosha (1.0), Rock (1.0), Brown (1.0), Outagamie (1.0), Winnebago (1.0), Marathon (1.0), Eau Claire (1.0) and Sheboygan (1.0). At \$56,000/yr for each new ADA at the minimum this is 15 times \$56,000 or \$840,000/yr GPR.

In addition to the additional state employee prosecutor costs just discussed, in many DA offices there will be a need for additional county employees to transcribe the tapes if the local police agencies do not provide such documents along with the tapes themselves.

### Long-Range Fiscal Implications

The actual impact of this bill upon prosecutorial workload must be carefully monitored so that it may be determined if resources beyond those identified above will be needed.

## Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

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<b>Subject</b>			
Retention and testing of DNA evidence; time limits for prosecution of a crime related to a sexual assault; procedures for using an eyewitness to identify a suspect; recording custodial interrogations			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
None			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$840,000	
	(FTE Position Changes)	(15.0 FTE)	
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$840,000</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR	840,000	
	FED		
	PRO/PRS		
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		State	Local
	NET CHANGE IN COSTS	\$840,000	\$
	NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>

