

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-4090/3	Introduction Number SB-537	
Description Judicial discretion in certain John Doe proceedings		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input checked="" type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

CTS 3/3/2008

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Description Judicial discretion in certain John Doe proceedings					

Assumptions Used in Arriving at Fiscal Estimate

This bill changes the procedures to be followed in John Doe proceedings under sec. 968.26, Wis. Stats., particularly in proceedings based on a complaint of a person who is not a district attorney. The changes include:

- (1) Allowing a judge to determine what witnesses and examinations are necessary and appropriate to ascertain whether a crime has been committed;
- (2) Requiring a judge to consider the credibility of testimony in support of and opposed to the person's complaint;
- (3) Allowing a judge to issue a criminal complaint if the judge finds sufficient credible evidence to warrant a prosecution; and
- (4) Allowing a judge to consider law enforcement investigative reports, district attorney records and other written records the judge finds relevant.

Case management records indicate that in 2006 there were 94 John Doe cases filed in Wisconsin; in 2007, there were 132 John Doe cases filed.

This bill will not change the requirements that need to be met before a person who is not a district attorney may bring a complaint under the statutes. Therefore, this bill may not impact the number of complaints filed.

It is estimated this bill will, however, reduce the number and length of courtroom proceedings that will be required to ascertain whether a crime may have been committed and a criminal complaint should be issued. Some complaints filed may not require courtroom proceedings of any kind, only the involvement of the judge.

Less courtroom proceedings will require less judge, court reporter and court staff time. These costs are borne by both the state and the county. Less proceedings are likely to lower county costs for subpoenaing and transporting witnesses. An accurate estimate of how these costs will be impacted is impossible with the data available.

Long-Range Fiscal Implications