

2008

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-3185/4	Introduction Number AB-0695
Description John Doe proceedings	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Decrease Costs </div> </div>	
Local: <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </div> </div>	
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	
Agency/Prepared By DOC/ Cathy Halpin (608) 240-5538	Authorized Signature Robert Margolies (608) 240-5056
Date 2/13/2008	

Fiscal Estimate Narratives

DOC 2/13/2008

LRB Number	07-3185/4	Introduction Number	AB-0695	Estimate Type	Original
Description John Doe proceedings					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, any person, including an inmate, who believes a crime has been committed may complain directly to a judge of the county in which the alleged crime is committed. A judge must then hold a John Doe proceeding on the matter in which he or she shall examine the complainant under oath and any witnesses produced by him or her until such time as the judge finds probable cause to believe a crime has been committed or until the judge has determined that no crime was committed.

This bill would require that any person who alleged that a crime was committed while the person was incarcerated, alleged the crime took place on Department property or was committed by an employee of the Department, would have to file a complaint with the county's district attorney, rather than a judge. The district attorney may conduct an investigation and may file a complaint, if warranted.

Currently, when an inmate alleges that a crime has been committed by a correctional employee, a John Doe proceeding is convened by the court. The employee and any other witnesses produced by the inmate are required to appear in court. If the employee seeks legal counsel, the employee would likely have to personally pay for those costs. This could also result in the Department having to pay overtime to another employee to maintain staffing of a post while the employee or other staff witnesses are in court for the John Doe proceeding.

This bill would allow law enforcement and the district attorney to investigate an alleged crime and make a determination if a crime was committed prior to involvement of the courts, which would likely reduce the court time required for John Doe proceedings. The bill would also likely reduce the amount of time inmates and staff would spend outside the institution if the DA determines that there is not probable cause that a crime was committed, which could reduce potential staff overtime and costs to transport inmates to the court. The Department's legal counsel workload could also be reduced if the DA's investigation determines that the allegations are baseless, resulting in fewer John Doe proceedings.

Although this bill could reduce the Department workload and costs related to the transport of inmate and staff witnesses and staff monitoring of John Doe hearings, the Department is unable to predict the number of complaints filed or how many of those complaints will be found baseless before a court hearing is held. As a result, a fiscal effect cannot be estimated.

There is no savings or cost increases associated with local jails.

Long-Range Fiscal Implications