

### Fiscal Estimate - 2009 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> <b>09-0049/1</b>	<b>Introduction Number</b> <b>AB-0070</b>	
<b>Description</b> Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
<b>Local:</b>		
<input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
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		
<b>Fund Sources Affected</b>		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b> DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b> Mark Rinehart (608) 264-9463	<b>Date</b> 3/5/2009

## Fiscal Estimate Narratives

DOJ 3/5/2009

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Original
<b>Description</b> Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

### Assumptions Used in Arriving at Fiscal Estimate

Wisconsin Statute 175.35 requires that all Wisconsin firearms dealers licensed by the Bureau of Alcohol, Tobacco and Firearms conduct a mandatory background check on any person requesting to purchase a handgun. Firearm dealers call the Department of Justice's Handgun Hotline to determine whether a person is eligible to possess a firearm under state law.

2009 Assembly Bill 70 provides that, under certain circumstances, if a court orders commitment of a person under Chapter 51, appoints a guardian of a person under Chapter 54, or orders protective services or protective placement of a person under Chapter 55, and the court determines the person is prohibited from possessing a firearm under federal law, the court clerk shall notify DOJ of the prohibition. AB 70 further requires DOJ to check whether a person has been the subject of a court order or finding that is based on a determination that the person's mental health would render the person ineligible to possess a firearm under federal law. Finally, AB 70 requires DOJ to convey information in a timely manner to the National Instant Criminal Background Check System (NICS) regarding individuals ordered not to possess a firearm and regarding the cancellation of such orders.

It is DOJ's understanding that the Circuit Court Automation Programs (CCAP) case management system currently tracks the cases covered by AB 70. The Department has an existing interface with CCAP that allows DOJ's Crime Information Bureau (CIB) access to court records. However, to be able to accept the court information ordered sent to DOJ under AB 70, DOJ will have to make certain modifications to the existing CCAP interface and data files in CIB. In addition, while DOJ also has an existing interface with NICS, to be able to convey the court information ordered sent to NICS, DOJ will have to make certain modifications to the existing NICS interface and data files in CIB as well. The department estimates a one-time cost of approximately \$90,000 for system analysis, design, programming and testing.

It should be noted, last year President Bush signed into law H.R. 2640, regarding criminal background checks for firearms purchases. The law authorizes financial incentives to states to increase their level of reporting of firearm purchase disqualifying information, including mental health data, to NICS. It is possible Wisconsin could receive federal funds to cover the costs associated with implementing the provisions of AB 70. However, there is uncertainty as to if/when any federal dollars would be realized or whether DOJ could secure grant money to offset already incurred costs under AB 70.

### Long-Range Fiscal Implications