## Fiscal Estimate - 2009 Session

$\boxtimes$	Original		Updated		Corrected		Suppl	emental	
LRB	Number	09-1849/1		Intro	duction N	Number	AB-007	78	
	al discretion in	n certain John I Doe proceedin	Doe proceeding gs	gs and the p	rovision of	attorney rep	oresentation	of state	
Fiscal	Effect								
	No State Fisco Indeterminate Increase E Appropria Decrease Appropria Create Ne	e Existing tions Existing	Reven Decrea	ase Existing	(2000)	Increase Coto absorb w		ne possible y's budget ⊠No	
	No Local Gov Indeterminate 1. Increase Permiss 2. Decrease	e Costs sive 🔲 Mandato	3.  Increasory Permis	se Revenue ssive  Mar ase Revenu ssive  Mar	ndatory e	Types of Log Governmen Towns Countie School Districts	t Units Affect   Villages   Other	e 🔲 Cities s S	
	Sources Affe	rooms F	]PRS   S	EG 🗌 SE	Affect EGS	ted Ch. 20 /	Appropriati	ons	
Agend	cy/Prepared	Ву	A	Authorized S	Signature			Date	
DOJ/ Mark Rinehart (608) 264-9463 Mark				/lark Rineha	rk Rinehart (608) 264-9463				

## Fiscal Estimate Narratives DOJ 3/17/2009

LRB Number	09-1849/1	Introduction Number	AB-0078	Estimate Type	Original				
Description Judicial discretion in certain John Doe proceedings and the provision of attorney representation of state employees at John Doe proceedings									

## **Assumptions Used in Arriving at Fiscal Estimate**

Under chapter 895.46, a state officer or employee is afforded certain legal protections and benefits provided by the state if the person faces a legal action for acts committed while carrying out the person's state duties, and the court finds that the person was acting within the scope of the person's employment.

2009 Assembly Bill 78 extends the same protections and benefits to a state officer or employee when the person is the subject of a proceeding under chapter 968.26 (John Doe) if the charge is for an act done within the person's official capacity, within the scope of the person's employment, and the attorney general determines that the person was acting in good faith.

According to the Director of State Courts Office, there were 94 John Doe cases filed in 2006 and 132 John Doe cases filed in 2007. DOJ is not certain how many of these cases involved state officers or employees, but there is a rapidly growing trend of prisoners filing John Doe cases against state correctional officers. Under AB 78, in the cases involving state officers or employees, DOJ would have to conduct an investigation to determine if the person acted in good faith. Based on the increase in the number of John Doe cases filed relating to state employees, DOJ estimates that the Civil Litigation Unit will require 1 FTE Assistant Attorney General to handle the increased caseload resulting from the passage of AB 78. The total salary, fringe benefits, supplies, and equipment costs for 1 FTE attorney is approximately \$120,000 annually.

**Long-Range Fiscal Implications**