

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-4065/1	Introduction Number SB-464
Description Temporary restraining orders and injunctions	
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 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 checked="" 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 type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" 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 type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input 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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Date 3/10/2010	

Fiscal Estimate Narratives
CTS 3/10/2010

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Description Temporary restraining orders and injunctions		

Assumptions Used in Arriving at Fiscal Estimate

This bill makes several changes to the statutes governing temporary restraining orders (TROs) and injunctions. Some of the changes are designed to provide more uniformity between the procedures that govern domestic abuse and harassment TROs and injunctions.

The court system currently maintains forms and procedures for existing TRO and injunction proceedings under ss. 813.12, 813.122, 813.123 and 813.125, Stats. Some of the statutory changes in this bill may require the court system to change existing or adopt new circuit court forms. An accurate estimate of the increased costs associated with these changes is not possible, but it is expected that existing court staff would absorb it.

Section 28 of the bill includes new requirements for the director of state courts and for state courts that may result in increased costs. The proposed s. 813.126(1), Stats. would require the director of state court to prepare and distribute a document explaining the various types of TROs and injunctions. The document is to include the remedies available and the process necessary to obtain a TRO or injunction, and that information is to be specific to each county. Preparation of such a document (or documents that are designed for each county) will require staff time, as well as production costs. No reliable estimate of those costs is available.

Another part of Section 28 would create s. 813.126(2), Stats. that would require courts to "review, rule on, and return" a petition filed under ss. 813.12, 813.122, 813.123 and 813.125, Stats. within a 2-hour period. If that time limit could not be met by the court in the county where it is filed, the statute would require the clerk of circuit court to have another county's court review and rule on the TRO. This provision is likely to require scheduling changes to court calendars, with more adjustments likely in one- or two-judge counties. It also gives additional responsibilities to the clerk of circuit court that presently do not exist. An accurate estimate of the increased costs related to this provision is impossible with existing data.

On February 18, 2010, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, introduced and adopted Senate Substitute Amendment 1 to SB 464. It is important to note that SSA 1 removes the two provisions of the original bill's Section 28 that are described above. Therefore, any increased costs that would have resulted from those provisions would not be incurred under the substitute amendment.

Long-Range Fiscal Implications