

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-3681/1	Introduction Number AB-0558
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Description
 The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Create New Appropriations		

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"/> 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
<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	

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 DA/ Phil Werner (608) 267-2700	Authorized Signature Tom Herman (608) 266-0239	Date 11/25/2009
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Fiscal Estimate Narratives

DA 11/25/2009

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Updated
Description The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Prosecutors expect a significant fiscal impact on their offices should this bill be enacted. The workload would increase due to:

- (1) an increased number of felonies
- (2) domestic abuse cases would be contested more than they currently are, due to the collateral consequence, which only exists now in federal court and is rarely prosecuted
- (3) many people will seek to re-open old convictions.

Input from prosecutors projected an increase of 20,000 hours of prosecutorial time needed for these cases. In accordance with an LAB study, 1,227 hours are used to estimate time available for prosecutors to prosecute individual cases. 20,000 hours divided by 1,227 hours represents a need of 16.3 additional prosecutors.

Using the current pay range minimum of \$23.673/hour for an ADA, the annual salary equates to approximately \$49,429. Using a full fringe rate of 39.19%, the annual fringe costs would be approximately \$19,371. The salary and fringe cost for each new prosecutor would be approximately \$68,800 per year. The annual cost for 16.3 additional prosecutors would be approximately \$1,121,440.

Based upon additional input from prosecutors, this fiscal estimate is updated as follows:

Though current federal law prohibits a person who is convicted of a misdemeanor crime of domestic violence from possessing a firearm, federal enforcement of this law has been limited. Should it become State law, DAs would need to prosecute these cases. DAs believe that there are many such cases in their jurisdiction, and that their workload would increase dramatically. Particularly in rural counties, where the great majority of residents possess firearms for hunting, safety, etc., those prosecuted for DV wouldn't agree/plead to a DV charge. Consequently, this would require additional prosecution time. In addition, the right to bear arms as a matter of personal defense will likely result in strong resistance to prosecutions that threaten such rights, resulting in more litigation.

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Long-Range Fiscal Implications

Long-Range Fiscal Implications

Prosecutors anticipate a significant long-term fiscal impact on their offices if this bill is enacted. Please see the narrative above regarding the potential long-term fiscal impact.