

Fiscal Estimate Narratives

DOJ 2/4/2010

LRB Number	09-0761/2	Introduction Number	AB-0627	Estimate Type	Original
Description Admissibility of a digitally produced photograph, film, motion picture, audio, or video and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under 2009 Assembly Bill 627, in any criminal prosecution a digital representation created by law enforcement is admissible only if: 1) the content of the representation is unaltered; 2) the representation is in a format that includes bits representing a watermark that are scattered throughout the file in such a way that they cannot be identified or manipulated; and 3) the watermark shows that the digital representation has not been altered from its original representation.

Law enforcement agencies in Wisconsin, including the Department of Justice, currently do not add watermarks to forensic digital representations. Adding a watermark to a digital representation alters that representation and under current rules of evidence could create admissibility problems.

To comply with the provisions of AB 627, law enforcement agencies will have to purchase and learn watermark software. The department is aware of watermark software costs for two private vendors (Digimarc and Veridical).

Digimarc would initially charge each law enforcement agency in the state \$3,995 for its software and then charge every agency an annual renewal fee of \$2,800. Veridical's watermark license fee is based on the number of people who have access to an agency's image database. Their one-time per person fee is \$5,250 and their annual software maintenance fee is \$840 per person. Veridical's fees would cost the 3 state crime labs a total of approximately \$100,000 in the first year and over \$15,000 each year thereafter. The impact on local law enforcement agencies across the state would depend on the number of people with access to each agency's image database, but would likely be significant.

These cost estimates are limited to digital photographs. The department does not have information to estimate additional costs associated with adding watermarks to digital video or audio recordings.

Long-Range Fiscal Implications