

Fiscal Estimate Narratives

CTS 3/31/2010

LRB Number	09-4556/1	Introduction Number	AB-0893	Estimate Type	Original
Description Submission of biological specimens for deoxyribonucleic acid analysis					

Assumptions Used in Arriving at Fiscal Estimate

This bill extends the current requirement to provide a DNA sample for certain convicted persons by providing that the requirement does not expire when a person completes probation, a sentence, or a delinquency disposition or is released from commitment. The bill also creates a new legal process for enforcing this requirement.

According to estimates from the Department of Justice (DOJ), there are about 10,000 persons who may be subject to the extended requirement contained in this bill and for whom DOJ will be seeking to receive a DNA sample. This is estimated to result in a short-term increase in proceedings but no ongoing increase in proceedings. Not all of these persons will be required to appear in court because some are likely to comply without court proceedings and some are unlikely to be located. For purposes of this estimate, we have assumed there will be no more than 5,000 new court proceedings under the terms of this bill.

In order to estimate the required judicial resources for these new proceedings, we have relied on the Judicial Needs Assessment 2006, submitted to the Director of State Courts by the National Center for State Courts. (A copy of the Judicial Needs Assessment 2006 is available on the Wisconsin Court System website at: <http://www.wicourts.gov/about/pubs/supreme/docs/judicialneedsassessment.pdf>) For this study, all Wisconsin judges and court commissioners participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution.

Because this is a new type of court proceeding, there is no data on how much time will be required to process these cases. For purposes of this estimate, we used a time that is slightly higher than that calculated for contested traffic or ordinance cases, which took an average of 7.5 minutes of judicial time.

To calculate the additional judicial workload required by these cases, we have used the estimated number of new court proceedings (5,000) times the estimated length of each case (10 minutes), then divided it by the number of minutes in a judge-year (75,096). The result is an estimated statewide additional judicial workload equivalent to .67 judges. ($5,000 \times 10 \div 75,096 = .67$ judges)

We anticipate that after this initial influx of cases, these types of proceedings would diminish.

Long-Range Fiscal Implications