

Fiscal Estimate Narratives

DOJ 2/8/2010

LRB Number	09-1438/1	Introduction Number	SB-044	Estimate Type	Corrected
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Wisconsin Statute 175.35 requires that all Wisconsin firearms dealers licensed by the Bureau of Alcohol, Tobacco and Firearms conduct a mandatory background check on any person requesting to purchase a handgun. Firearm dealers call the Department of Justice's Handgun Hotline to determine whether a person is eligible to possess a firearm under state law.

2009 Senate Bill 44 provides that, under certain circumstances, if a court orders commitment of a person under Chapter 51, appoints a guardian of a person under Chapter 54, or orders protective services or protective placement of a person under Chapter 55, and the court determines the person is prohibited from possessing a firearm under federal law, the court clerk shall notify DOJ of the prohibition. SB 44 further requires DOJ to check whether a person has been the subject of a court order or finding that is based on a determination that the person's mental health would render the person ineligible to possess a firearm under federal law. Finally, SB 44 requires DOJ to convey information in a timely manner to the National Instant Criminal Background Check System (NICS) regarding individuals ordered not to possess a firearm and regarding the cancellation of such orders.

It is DOJ's understanding that the Circuit Court Automation Programs (CCAP) case management system currently tracks the cases covered by SB 44. The Department has an existing interface with CCAP that allows DOJ's Crime Information Bureau (CIB) access to court records. However, to be able to accept the court information ordered sent to DOJ under SB 44, DOJ will have to make certain modifications to the existing CCAP interface and data files in CIB. In addition, while DOJ also has an existing interface with NICS, to be able to convey the court information ordered sent to NICS, DOJ will have to make certain modifications to the existing NICS interface and data files in CIB as well. The department estimates a one-time cost of approximately \$90,000 for system analysis, design, programming and testing. In addition, DOJ has little disk space left on its server infrastructure. If the provisions of SB 44 cause DOJ to exceed existing memory capacity, DOJ will incur additional hardware expenses.

This fiscal estimate anticipates DOJ being able to absorb these additional costs because last month the Office of Justice Assistance (OJA) confirmed with DOJ that OJA has received a 2009 federal National Criminal History Improvement Program (NCHIPS) grant which can be used to pay for the improvements that would be required under SB 44. OJA explained that the portion of the grant intended for these purposes is sufficient to cover DOJ's estimated costs for implementing the provisions of SB 44.

Long-Range Fiscal Implications