

Fiscal Estimate Narratives

DOJ 3/10/2009

LRB Number 09-0826/2	Introduction Number SB-051	Estimate Type Original
Description Judicial discretion in certain John Doe proceedings and the provision of attorney representation of state employees at John Doe proceedings		

Assumptions Used in Arriving at Fiscal Estimate

Under chapter 895.46, a state officer or employee is afforded certain legal protections and benefits provided by the state if the person faces a legal action for acts committed while carrying out the person's state duties, and the court finds that the person was acting within the scope of the person's employment.

2009 Senate Bill 51 extends the same protections and benefits to a state officer or employee when the person is the subject of a proceeding under chapter 968.26 (John Doe) if the charge is for an act done within the person's official capacity, within the scope of the person's employment, and the attorney general determines that the person was acting in good faith.

According to the Director of State Courts Office, there were 94 John Doe cases filed in 2006 and 132 John Doe cases filed in 2007. DOJ is not certain how many of these cases involved state officers or employees, but there is a rapidly growing trend of prisoners filing John Doe cases against state correctional officers. Under SB 51, in the cases involving state officers or employees, DOJ would have to conduct an investigation to determine if the person acted in good faith. Based on the increase in the number of John Doe cases filed relating to state employees, DOJ estimates that the Civil Litigation Unit will require 1 FTE Assistant Attorney General to handle the increased caseload resulting from the passage of SB 51. The total salary, fringe benefits, supplies, and equipment costs for 1 FTE attorney is approximately \$120,000 annually.

Long-Range Fiscal Implications