

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-4251/3</b>	<b>Introduction Number</b> <b>SB-631</b>
<b>Description</b> submission of biological specimens for deoxyribonucleic acid analysis.	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <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	
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	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	
DA/ Phil Werner (608) 267-2700	
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<b>Date</b>	
3/30/2010	

## Fiscal Estimate Narratives

DA 3/30/2010

LRB Number	09-4251/3	Introduction Number	SB-631	Estimate Type	Original
<b>Description</b> submission of biological specimens for deoxyribonucleic acid analysis.					

### Assumptions Used in Arriving at Fiscal Estimate

Prosecutors have expressed great concern about the significant increase in their workload should this bill be enacted. Concerns include the following:

- \* There are more than 10,000 non-compliers, and these did not respond to DOC's request for compliance. Already DAs would be dealing with a non-cooperative group.
- \* In addition to prosecuting those who fail to comply, DA offices will be required to prepare petitions for Order to Show Cause hearings and petitions to compel compliance, and representing the State at those hearings. This could be a significant number of court hearings.
- \* DA offices will be required to commence criminal contempt actions against those who fail to comply or appear.
- \* Because it appears to be a civil action, it may involve substantial discovery such as depositions and other civil discovery that prosecutors are not used to working with.
- \* Collection of more DNA samples will presumably create more work in prosecuting older cases brought to life by this project. These cases would tend to be older and more serious than average, which translates into a significant workload addition.
- \* DA offices will need to generate a process to follow for this situation.
- \* There will be many hearings for the offender who may not understand the process or who wishes to challenge the process.
- \* Offenders who do not appear will be subject to arrest and there will be hearings on offenders returned following an arrest.
- \* If an offender fails to comply, they are subject to remedial contempt which often leads to jail time until a sample is provided. Judges may direct prosecutors to draft orders for their signature to effectuate the finding of contempt.

Many prosecutors provided observations and concerns about the new law, and each indicated a need for additional prosecutors to help with this bill. Requests for additional ADAs ranged from .2 FTE in one county to 3.0 FTE in another; however, several DAs stated that they needed to be fully staffed, in accordance with the 2007 LAB study of the DA program, in order to handle any new work associated with new laws. The study referenced a caseload analysis that identified a need for 117.33 additional ADAs.

Based on the range of responses from DAs, it is difficult to provide an estimate that pinpoints the number of additional prosecutors needed upon implementation of the bill. While developing an estimate, however, it is worthwhile noting that the current number of non-compliant offenders exceeds 10,000. A significant workload will be imposed on DA offices upon enactment of the bill, but as law enforcement agencies and DOC secure DNA samples of future offenders, the workload should eventually level off for prosecutors.

Rather than provide a single estimate based on significantly varying numbers provided by DAs, a range is provided. If the more modest requests are considered first, the number of new ADAs needed is estimated to be 10.75 ADAs. A beginning ADA earns \$49,429/year. Fringe benefits are estimated at 39.19% or \$19,371/year. For each new ADA the salary and fringe cost equates to approximately \$68,800/year. The annual cost of 10.75 ADAs is approximately \$739,600.

Based on the requests provided by DAs who seek an additional 117.33 ADAs (i.e. - to attain the level addressed in the 2007 LAB audit), the annual cost of 117.33 ADAs is approximately \$8,072,304.

There will be a significant impact on counties as well. Additional resources will be needed for clerical and paralegal positions to deal with the increased workload resulting from enactment of this bill. The Milwaukee DA office alone indicated a need for two new clerical positions that would cost approximately \$210,000 per biennium. In addition, there will be significant costs for Sheriff and Police Departments locating the individuals.

### Long-Range Fiscal Implications

For the long-range fiscal implications of enactment of this bill, please see the discussion above.