

Fiscal Estimate Narratives

SPD 11/27/2013

LRB Number	13-1449/1	Introduction Number	AB-0530	Estimate Type	Original
Description Reporting deaths; death investigations and other duties of coroners and medical examiners; disposition of bodies; creating a medicolegal investigation examining board; licensure of coroners, medical examiners, and medicolegal investigation staff members; granting rule-making authority; making an appropriation; and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill establishes licensure requirements by the Medicolegal Investigation Examining Board for a coroner, a medical examiner, or a person who assists a coroner or medical examiner with a death investigation (medicolegal investigation staff member) unless they are physicians currently licensed by the Medical Examining Board. Any person who violates this licensing requirement may be subject to a fine of not more than \$1,000 and imprisonment of up to 90 days. The bill also sets forth training and license renewal requirements for individuals licensed on the bill's effective date and after the effective date. This bill creates an 11-member Medicolegal Investigation Examining Board in the Department of Safety and Professional Services. The State Public Defender or his or her designee are one of the required board members. Members to the board are appointed for six-year terms. The bill sets forth board requirements regarding promulgating rules, setting license fees, providing training, monitoring licensees, and notifying the board by licensees. This bill also specifies the requirements for reporting a death and assigning jurisdiction to investigate death, conducting an autopsy or other diagnostic procedure, providing confidentiality for autopsy records, modifying the authorization for the disposition of bodies and providing access to mental health treatment records of the deceased by a coroner or medical examiner.

Additionally, the SPD, as a required member of the Medicolegal Investigation Examining Board, should have minimal fiscal costs other than personnel costs for the Public Defender or his or her designee and travel costs (mileage, lodging and meals) to attend the board meetings. The bill was not specific in identifying how often the board would meet and where the board meetings would take place so we are unable to identify specific costs associated with being a member of this board, but they are not likely to be prohibitive.

Long-Range Fiscal Implications