

Fiscal Estimate Narratives

CTS 5/2/2013

LRB Number 13-0294/3	Introduction Number SB-040	Estimate Type Original
Description Searches by a law enforcement officer of a person on probation, parole, or extended supervision		

Assumptions Used in Arriving at Fiscal Estimate

This bill provides that a person who is placed on probation is subject to having his or her person, residence and any property under his control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of probation or release.

Under current law, searches and seizure of possible evidence are often the subject of litigation, both at the circuit court level and at the appellate level. It is anticipated that this bill will increase the number of cases in which issues of the lawfulness of the search or seizure and/or the admissibility of any evidence obtained will be before the circuit and appellate courts. It is not possible to determine, with any precision, the frequency of that litigation nor the amount of time and resources of the courts that the litigation will take.

Additional proceedings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. It is expected that existing court staff would absorb any additional proceedings.

This bill is also likely to increase the numbers of persons held in county jails. These costs are borne by the counties.

Long-Range Fiscal Implications