

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-4489/1	Introduction Number AB-0908
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Description
 Creating a Uniform Collateral Consequences of Conviction Act and granting rule-making authority

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

LC 2/19/2016

LRB Number	15-4489/1	Introduction Number	AB-0908	Estimate Type	Original
Description Creating a Uniform Collateral Consequences of Conviction Act and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

2015 Assembly Bill 908 (the bill) adopts the Uniform Collateral Consequences of Conviction Act, a model law promulgated by the Uniform Law Commission. The bill addresses various issues pertaining to collateral consequences.

Under the bill, a "collateral consequence" is a collateral sanction or a disqualification. A "collateral sanction" is a penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual's conviction or adjudication of delinquency for an offense that applies by operation of law whether or not it is included in the judgment or sentence. A collateral sanction does not include imprisonment, probation, parole, extended supervision, forfeiture, restitution, fine, assessment, or costs of prosecution. A "disqualification" is a penalty, disability, or disadvantage, however denominated, that an administrative agency, governmental official, or a court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual's conviction or adjudication of delinquency for an offense.

Very generally, the bill creates new requirements regarding collateral consequences, including: identifying, collecting, and publishing laws regarding collateral consequences; notifying charged individuals of collateral consequences in pretrial proceedings; notifying convicted individuals of collateral consequences at sentencing and upon release; petitioning for relief from a collateral sanction; and issuing a certificate of restoration of rights.

The bill requires the Legislative Council staff (LC) and the Legislative Reference Bureau (LRB), under the direction of the Joint Review Committee on Criminal Penalties, to identify any provision in Wisconsin's constitution, statutes, and administrative rules that imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence (the collection). The collection must include the citations to, and the text of or short descriptions of, each identified provision and must be completed within 120 days of the bill's effective date. Under the bill, the LC and the LRB must update the collection by December 1 of each even-numbered year.

The bill also requires the LC and the LRB to include the following statements in a prominent manner at the beginning of the collection:

- This collection has not been enacted into law and does not have the force of law.
- An error or omission in this collection is not a reason for invalidating a plea, conviction, adjudication of delinquency, or sentence or for not imposing a collateral sanction or disqualification.
- The laws of the United States, other jurisdictions, and units of local governments that impose additional collateral sanctions and disqualifications are not listed in this collection.
- This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after the collection was prepared or last updated.

The bill requires the Joint Review Committee on Criminal Penalties to publish the collection and make it available to the public on an Internet website.

In complying with the requirements created by the bill, the LC and the LRB may rely on the study of Wisconsin's collateral sanctions, disqualifications, and relief provisions prepared by the National Institute of Justice (NIJ). A study completed by NIJ in collaboration with the American Bar Association has identified collateral consequences in each state. The study identified 693 collateral consequences in Wisconsin law. The full results of this study are available online at: <http://www.abacollateralconsequences.org/>.

The fiscal impact to the LC is not easily quantifiable. The resources needed to identify each collateral

consequence in Wisconsin law in a 120 day period would be dependent on a number of factors, including: the thoroughness of the NIJ study; the LRB's contribution to the effort; and the cooperation of other state agencies.

Long-Range Fiscal Implications

The bill requires the LC and LRB to update the collection by December 1 of each even-numbered year. This would necessitate an ongoing review of changes made to Wisconsin's constitution, statutes, and administrative rules.