

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2478/1	Introduction Number SB-184
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Description
 Removal of certain criminal record information from Internet sites without a fee and providing a criminal penalty

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
- Increase Existing Appropriations
- Decrease Existing Appropriations
- Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
- Yes No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
- 1. Increase Costs 3. Increase Revenue
- Permissive Mandatory Permissive Mandatory
- 2. Decrease Costs 4. Decrease Revenue
- Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
- Towns Village Cities
- Counties Others
- School Districts WTCS Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

GPR
 FED
 PRO
 PRS
 SEG
 SEGS

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 6/11/2015

LRB Number	15-2478/1	Introduction Number	SB-184	Estimate Type	Original
Description Removal of certain criminal record information from Internet sites without a fee and providing a criminal penalty					

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.

Under this bill, the operator of an Internet site that publishes criminal record information and charges a fee to remove the information has 15 days to remove a person's criminal record information, without charging a fee, if the operator receives a written request for removal that shows any of the following: 1) no criminal charge was brought against the person; 2) the criminal charge was resolved through dismissal, acquittal, or otherwise without a conviction; 3) the criminal charge was reduced to a civil penalty; or 4) the person's conviction was expunged. The bill defines criminal record information as information showing that a person has been arrested, charged, prosecuted, convicted, or sentenced for a criminal offense, including booking photographs and fingerprints. An Internet site operator who violates these requirements is subject to a fine of up to \$10,000 or imprisonment for up to nine months, or both.

Reducing the impact of collateral consequences of criminal charging and conviction can lead to increased access to employment and housing, which can in turn reduce recidivism rates. This bill may have a limited effect in reducing the number of both revocation and criminal cases in which the SPD provides representation. If there are criminal cases brought under the proposed new criminal offense, the SPD could be required to appoint attorneys in those cases.

Long-Range Fiscal Implications