

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>17-1921/1</b>	Introduction Number <b>AB-0093</b>
-----------------------------	------------------------------------

**Description**  
 expungement of certain offenses committed before the age of 25 and making an appropriation

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Appropriations	<input checked="" 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"/> Create New Appropriations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Decrease Costs	

**Local:**

<input type="checkbox"/> No Local Government Costs	<input checked="" type="checkbox"/> Indeterminate			<b>5. Types of Local Government Units Affected</b>
1. <input checked="" type="checkbox"/> Increase Costs	3. <input checked="" type="checkbox"/> Increase Revenue	<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
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	<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
				<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</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>Agency/Prepared By</b> CTS/ Nancy Rottier (608) 267-9733	<b>Authorized Signature</b> Nancy Rottier (608) 267-9733	<b>Date</b> 6/7/2017
--	---	-------------------------

## Fiscal Estimate Narratives

CTS 6/7/2017

LRB Number	17-1921/1	Introduction Number	AB-0093	Estimate Type	Original
<b>Description</b> expungement of certain offenses committed before the age of 25 and making an appropriation					

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the procedures for expunging circuit court records of convictions. The bill removes the requirement that a request for expungement of a conviction be made at the time of sentencing and allows a defendant to petition the circuit court at a later time for an order expunging the record of conviction. Under the bill, the circuit court is required to hold a hearing to determine whether to grant or deny the petition. The bill does not make changes to the types of crimes for which a petition may be brought nor to the age of the defendant at the time the offense was committed.

It is impossible to predict how many such petitions will be filed in the circuit courts. Although no exact figure is available, it is estimated that several thousand defendants are eligible to petition for expungement each year. Not all of those eligible for expungement request that the court order the record expunged. In the three most recent calendar years, 2014 – 2016, there were just under 50,000 misdemeanor cases and about 37,000 felony cases opened each year. Expungement of circuit court records is not available to defendants in all of these cases. Only those cases in which the defendant was under the age of 25 when the offense was committed and only those felony cases that involve Class H or Class I felonies are eligible for expungement. Under this bill, those limitations will continue to constrain the availability of expungement.

This bill will require a court hearing whenever a petition for expungement is filed. Additional proceedings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. An accurate estimate of the additional costs of this proposal, and how those costs will be divided between the state and the counties, is impossible with the data available.

This bill also requires a petitioner to pay a filing fee of \$100 for each petition for expungement filed. As with all filing fees, petitioners may request that the court waive the fee because of indigency. The revenues raised by this fee are to be deposited into an account that provides for general program operations of the circuit courts. The amount to be distributed to the counties for the operation of the circuit courts is determined by the Director of State Courts.

The amount of revenue that may be raised by the imposition of this fee is unknown; it will depend on the number of petitions filed and the percentage of petitions in which the fee is paid versus being waived for indigency.

### Long-Range Fiscal Implications