

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1044/1	Introduction Number SB-020
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Description
 obtaining crime victim mental health treatment records

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 checked="" type="checkbox"/> GPR <input checked="" type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	455 (5)(a), 455 (5)(ma)

Agency/Prepared By	Authorized Signature	Date
DOJ/ Michelle Gauger (608) 267-6714	Michelle Gauger (608) 267-6714	4/2/2019

Fiscal Estimate Narratives

DOJ 4/2/2019

LRB Number	19-1044/1	Introduction Number	SB-020	Estimate Type	Original
Description obtaining crime victim mental health treatment records					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a procedure by which a defendant in a criminal case may seek access to the mental health treatment records of a crime victim that are not in the possession of a government entity when the defendant believes those records contain information critical to the defense. The bill specifies that crime victims whose mental health treatment records are being sought have a right to counsel and requires the prosecuting attorney to notify the crime victim that access to his or her mental health treatment records is being sought.

If following an in camera review, the court determines that all or part of the mental health treatment records are eligible for disclosure, the crime victim and prosecution have 45 days to notify the court of an appeal. The crime victim retains the right under the bill to refuse consent for an in camera review of his or her mental health treatment records.

This legislation will increase the amount of communication required to victims of crime from prosecutors and victim witness coordinators. The Office of Crime Victim Services within the Department of Justice may incur costs related to amending training, public information and reference materials for prosecutors, victim witness coordinators and victims of crime. Those costs can be absorbed within the existing budget.

Currently, the department expends approximately \$500,000 annually in federal grant funding providing legal services to victims on privacy issues, including motions to obtain mental health treatment records. This bill would likely increase the demand for those services but the cost can be absorbed within existing resources.

Long-Range Fiscal Implications