

Fiscal Estimate - 2019 Session

Original Updated Corrected Supplemental

LRB Number 19-4582/1		Introduction Number SB-530	
Description extreme risk protection temporary restraining orders and injunctions and providing a penalty			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input 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			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
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	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<input type="checkbox"/> Cities			
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	
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		Date	
		12/4/2019	

Fiscal Estimate Narratives

DA 12/4/2019

LRB Number	19-4582/1	Introduction Number	SB-530	Estimate Type	Original
Description extreme risk protection temporary restraining orders and injunctions and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This fiscal estimate is submitted by the Director of the State Prosecutors Office on behalf of the 71 District Attorneys that comprise the management arm of Agency 475. This fiscal estimate is responsive to the fiscal and resource effect of the proposed legislation on the District Attorney program.

This bill creates an extreme risk protection temporary restraining order and an extreme risk protection injunction. Upon receiving a petition filed by a law enforcement officer or a family or household member of the respondent, a court shall schedule an injunction hearing. The court also shall issue a temporary restraining order prohibiting the respondent from possessing a firearm and ordering the respondent to surrender all firearms if the court finds reasonable grounds that the respondent is substantially likely to injure the respondent or another person if the respondent possesses a firearm.

The temporary restraining order remains in effect until the injunction hearing. At the injunction hearing, the court may grant an extreme risk protection injunction ordering the respondent to refrain from possessing a firearm if the court finds by clear and convincing evidence that the respondent is substantially likely to injure the respondent or another person if the respondent possesses a firearm. An extreme risk protection injunction is effective for up to one year and may be renewed. Any person who is subject to an extreme risk protection injunction may petition to vacate the injunction.

A person who possesses a firearm while subject to an extreme risk protection temporary restraining order or injunction is guilty of a Class G felony. In addition, a person who files a petition for an extreme risk protection temporary restraining order or injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony.

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As this bill creates new crimes, the immediate impact of the bill would result in additional referrals to DA offices from law enforcement. If the bill is successful in reducing gun violence, it may result in a net decrease in referrals from law enforcement. Data with which to determine the likely consequence of this bill on our DA offices is not available, as such, this fiscal estimate is listed as indeterminate.

Long-Range Fiscal Implications

The long term fiscal implications of this bill on DA offices are unknown.