

Fiscal Estimate - 2021 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number 21-0526/1		Introduction Number AB-0091	
Description throwing or expelling a bodily substance at a public safety worker or prosecutor			
Fiscal Effect			
State:			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input 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 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	Date
CTS/ Nancy Rottier (608) 267-9733		Nancy Rottier (608) 267-9733	3/10/2021

Fiscal Estimate Narratives

CTS 3/10/2021

LRB Number	21-0526/1	Introduction Number	AB-0091	Estimate Type	Original
Description throwing or expelling a bodily substance at a public safety worker or prosecutor					

Assumptions Used in Arriving at Fiscal Estimate

This bill expands the categories of persons who may be ordered to undergo testing for communicable diseases if there is probable cause to believe that there was potential for transmitting a communicable disease to the victim of a crime. This bill allows a court to require such testing for any criminal defendant who throws or expels blood, semen, vomit, saliva, urine, feces, or other bodily substances at or toward a public safety worker or a prosecutor.

Based on court records, it is estimated that about 250 persons are charged each year with a violation of s. 941.375(2), Wis. Stats., the statutory violation that is being added by this bill. Under the terms of the bill, any person charged with this crime would be allowed a hearing before the court could order testing by a health care professional.

Additional court proceedings could be generated under the terms of this bill, but it is impossible to predict whether every case would require the hearing provided by s. 968.38(5). Additional proceedings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. It is expected that existing court staff would be able to absorb any additional costs.

The bill does not specify who is responsible for paying the cost of testing, if it is ordered under s. 968.38(5), but it does appear the court has the authority to tax those costs against the defendant, pursuant to s. 973.06(1)(h).

Long-Range Fiscal Implications