

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-3646/1	Introduction Number SB-514
------------------------------------	--

Description
 prosecution decisions following deaths involving law enforcement officers

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate	5. Types of Local Government Units Affected	
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Counties <input type="checkbox"/> Others
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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
DA/ Kasey Deiss (608) 267-2700	Jana Steinmetz (608) 267-9634	8/23/2021

Fiscal Estimate Narratives

DA 8/23/2021

LRB Number	21-3646/1	Introduction Number	SB-514	Estimate Type	Original
Description prosecution decisions following deaths involving law enforcement officers					

Assumptions Used in Arriving at Fiscal Estimate

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

Current law requires an investigation following a death that involves a law enforcement officer and outlines specific requirements of the investigation. One requirement is that the investigators provide a report of the investigation to the district attorney of the county in which the death occurred, and that district attorney must determine whether to prosecute the officer. This bill requires instead that the district attorney provide the report to a special prosecutor appointed by the court and that special prosecutor then must determine whether to prosecute the officer.

Under current law special prosecutors are made available to DA offices if the DA or court determines a conflict of interest exists (as well as under various other scenarios). Current practice is that for matters requiring assignment of a special prosecutor, assistance should first be sought from other DA offices and DOJ. If assistance is not available, a private attorney may be selected to serve as special prosecutor. Ethics rules preclude practicing criminal defense attorneys (or their law firm colleagues) from serving as special prosecutors.

To the extent that other DA offices would provide the special prosecution on these matters, the costs agency-wide would slightly increase. It is less efficient to prosecute out-of-county crimes and there would be some costs related to travel, lodging, etc. For cases where other DA offices are unable to provide the special prosecution, paying private bar attorneys for the special prosecution would increase costs to the agency more significantly.

Long-Range Fiscal Implications

The long-range effect of this bill would be to increase costs to Agency 475. Further study is required to determine the extent of these cost increases.