

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-4077/1	Introduction Number AB-0433
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Description
 bail for criminal defendants who have a previous conviction for bail jumping and Department of Justice collection and reporting of certain criminal case data

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" 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 <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	s. 20.680 (2)(j), s. 20.680 (2)(a)

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

CTS 10/31/2023

LRB Number	23-4077/1	Introduction Number	AB-0433	Estimate Type	Original
Description bail for criminal defendants who have a previous conviction for bail jumping and Department of Justice collection and reporting of certain criminal case data					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires the Director of State Courts to provide the Department of Justice (DOJ) criminal charging data in order for DOJ to publish an interactive annual report on its website. The annual report must also be submitted to the chief clerk of each house of the legislature for distribution to the appropriate standing committees.

The data the Director of State Courts is required to provide DOJ under the bill includes:

1) the county in which charges were filed; 2) the name of the prosecuting attorney assigned to the case; 3) the name of the court official assigned to the case; 4) the criminal charge filed; 5) for each case, whether the court released the defendant without bail, upon the execution of an unsecured appearance bond, upon the execution of an appearance bond with sufficient solvent sureties, or upon the deposit of cash in lieu of sureties, or denied release, and the name of the court official who made the decision; 6) for each case for which a court required the execution of an appearance bond with sufficient solvent sureties, the monetary amount of the bond and the name of the court official who made the decision; 7) for each case for which a court required the deposit of cash in lieu of sureties, the monetary amount of cash required and the name of the court official who made the decision; and 8) for each case, any other conditions of release imposed on the defendant and the name of the court official who made the decision.

In order to meet the data reporting requirements of this bill, CCAP will need to expand the capabilities of the Representational State Transfer (REST) service currently in place and used by DOJ and other agencies. Some of the management data elements required under the bill are not included in the REST service; as a result, additional data fields will need to be programmed to provide DOJ with all of the required information. It is estimated that will take approximately three months and two staff members to expand the REST service to meet the new legislative requirements. This will also include providing the CR-203 Bail Bond form to DOJ as part of the data expansion, as the form includes information required to be reported to DOJ. Currently this information is not stored in a manner that makes it easily accessible to DOJ.

In addition, under the bill, if the defendant has a previous conviction for the crime of bail jumping, the court must impose bail to assure appearance in court and the defendant may be released only if he or she executes a secured bond or deposits cash in lieu of a bond in an amount of at least \$5,000. Under the bill, if the defendant is accused of a violent crime and the defendant has a previous conviction for a violent crime, the bail amount may not be less than \$10,000. Under the bill, the definition for "violent crime" is the same as the definition above.

Judges and court commissioners will have to receive additional training regarding the implementation of this new law change and apply the law to all criminal cases.

The state fiscal effect is indeterminate.

The cost to counties is indeterminate.

Long-Range Fiscal Implications

Counties will incur ongoing jail costs relating to confining individuals who are charged with a felony or violent misdemeanor who are unable to execute a secured bond or deposit cash under the terms of the bill. The increase in the number of charged individuals who would be confined under the bill are unknown.