



Fiscal Estimate Narratives

DOA 1/11/2024

LRB Number	23-4532/1	Introduction Number	AB-0837	Estimate Type	Original
<b>Description</b> fees for redacting certain records of law enforcement agencies					

**Assumptions Used in Arriving at Fiscal Estimate**

Assembly Bill 837 (AB-837) proposes to permit a law enforcement agency, as defined under s.19.36 (8) (a) 2., Wis. Stats., to charge a requester a fee for the actual, necessary, and direct cost of redacting, whether by pixelization or other means, recorded video content to the extent redaction is necessary to comply with applicable constitutional, statutory, or common law.

The Department of Administration (DOA)'s Division of Capitol Police (DCP), as a law enforcement agency as defined under s. 19.36 (8) (a) 2, provides for police and protection functions under ss. 16.84 (2) and (3), Wis. Stats., and DOA's Division of Legal Services (DLS) provides management of the Department's response to public records. When DOA receives a public record request which requires recorded video redaction, DLS is responsible for administering this redaction service.

Currently, a state agency or government official may impose a fee upon the public record requester for a copy of a record which may not exceed the actual, necessary, and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law, and only if the cost is \$50 or more. This includes mailing or shipping records in response to the request.

Under the provisions of AB-837, DOA would be permitted to impose a fee on public record requesters for redacting recorded DCP video content to comply with applicable laws. DOA estimates that currently there are no more than one to two instances annually that necessitate the redaction of videos to adhere to applicable law, and DOA has not charged requestors for any costs associated with these requests. DLS staff perform these infrequent video redactions using software that DLS currently maintains. Although the circumstances of necessary redaction are infrequent, DOA anticipates that it may elect under AB-837 to charge for these services.

Under any circumstance where DOA would elect to charge the requestor, DOA would cover the associated expenditures incurred. As the Department only infrequently needs to redact videos, it cannot currently anticipate the dollar amount of expenditures and thus the amount of revenue that would be permitted to be collected under the proposed bill. Due to the lack of knowledge of future redaction needs and associated expenditures that could be recovered, the fiscal impact to DOA is indeterminate.

**Long-Range Fiscal Implications**