

Fiscal Estimate - 2023 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 23-5148/1	Introduction Number SB-0789
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Description
 fees for redacting certain records of law enforcement agencies

Fiscal Effect

State:

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> No State Fiscal Effect
<input checked="" type="checkbox"/> Indeterminate
<input type="checkbox"/> Increase Existing Appropriations
<input type="checkbox"/> Decrease Existing Appropriations
<input type="checkbox"/> Create New Appropriations | <input type="checkbox"/> Increase Existing Revenues
<input type="checkbox"/> Decrease Existing Revenues | <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 | <p>5. Types of Local Government Units Affected</p> <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR
 FED
 PRO
 PRS
 SEG
 SEGS

Agency/Prepared By DOA/ Kuang Xin (608) 266-5329	Authorized Signature Robin Malicki (608) 264-9576	Date 1/3/2024
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Fiscal Estimate Narratives

DOA 1/3/2024

LRB Number	23-5148/1	Introduction Number	SB-0789	Estimate Type	Original
Description fees for redacting certain records of law enforcement agencies					

Assumptions Used in Arriving at Fiscal Estimate

Senate Bill 789 (SB-789) 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 SB-789, 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 SB-789 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