

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-1377/1	Introduction Number SB-078
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Description
 expungement of records of certain crimes and discrimination based on expunged conviction

Fiscal Effect

State:

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

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Indeterminate	1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
	2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
		<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
<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
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Fiscal Estimate Narratives

DA 3/10/2021

LRB Number	21-1377/1	Introduction Number	SB-078	Estimate Type	Original
Description expungement of records of certain crimes and discrimination based on expunged conviction					

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.

This bill changes current law related to expungement by removing the condition that the person committed the crime before the age of 25 (the bill retains the requirements that the crime be no greater than a Class H felony, the person had no previous felony convictions, and the crime was not a violent felony) and makes certain traffic crimes ineligible for expungement. This bill also provides that, if the sentencing court did not order the record expunged, the person may file a petition with the sentencing court after he or she completes his or her sentence. Upon receipt of the petition, the court must review the petition and then may order the record expunged or may deny the petition. If the court denies the petition, the person may not file another petition for two years, the person must pay a \$100 fee to the county for the second petition, and no person may file more than two petitions per crime. Finally, this bill limits a person to one expungement. The changes described in this paragraph retroactively apply to persons who were convicted of a crime before this bill takes effect.

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The responsive District Attorneys expressed concern over additional workload as a result of expungement petitions and hearings. Particularly concerning for the District Attorneys was the additional prosecutorial hours to gather documents related to potentially very old cases, locate and notify victims, familiarize themselves with the relevant facts, and participate in the hearings. Traditionally, the law assumes a certain level of finality in a conviction; this proposed bill provides a mechanism for a large number of class H and below felony or misdemeanor convictions to be relitigated and if the petition is denied, relitigated once again two years later.

Long-Range Fiscal Implications

The responsive District Attorneys did not take a position on whether changes to Wisconsin's existing expungement mechanisms should be made. However, if this proposal were to become law then additional staffing should be allocated to the District Attorney Offices across the state to offset the new caseload.