



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 16, 2003

Joint Committee on Finance

Paper #473

Crime Laboratory and Drug Law Enforcement Assessment (Justice)

[LFB 2003-05 Budget Summary: Page 287, #7 (Part)]

CURRENT LAW

A \$5 crime laboratory and drug law enforcement assessment is applied if a court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or municipal or county ordinance (other than for nonmoving traffic or smoking violations). Currently, the assessment supports: (1) the DNA databank; (2) DNA evidence prosecution efforts; (3) the crime laboratories; and (4) drug law enforcement efforts.

GOVERNOR

Crime Laboratory and Drug Law Enforcement Assessment

Increase the crime laboratories and drug law enforcement assessment from the current \$5 to \$7. The Governor estimates that the increased assessment amount would generate additional program revenues of \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05. [Under the bill, these increased assessment revenues are incorrectly identified as GPR-Earned.]

Position Funding Conversions

Reduce the Department of Justice (DOJ) general program operations appropriations for legal services by \$224,400 GPR and 2.0 GPR positions annually and for law enforcement services by \$682,800 GPR and 10.0 GPR positions annually.

The Governor's intent was to provide a corresponding expenditure and position authority increase of \$907,200 PR and 12.0 PR positions annually under the agency's PR-funded drug law enforcement and related activities appropriation to reflect the funding conversion of these base

level positions. However, no additional expenditure or position authority is actually provided under the appropriation. Any additional position costs under this appropriation would be funded primarily from the increased crime laboratories and drug law enforcement assessment, with lesser amounts funded from the current \$250 DNA surcharge that a court may impose if a person is sentenced or placed on probation for a felony conviction.

DISCUSSION POINTS

1. The presumed rationale for the Governor's proposal to increase the current crime laboratories and drug law enforcement assessment from \$5 to \$7 is that the resulting additional revenues generated would be sufficient to fund reimbursements to county sheriffs for the costs of collecting DNA samples from felons and the costs associated with the conversion of 12.0 positions under DOJ's legal services function and its law enforcement services function from GPR to PR funding. The Governor estimates that the increased assessment amount would generate additional revenues of \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05, while the identified costs associated with the reimbursements to county sheriffs are \$126,000 PR annually and the position funding conversions are \$907,200 PR annually, for a combined total of \$1,033,200 PR annually.

2. Currently under the bill, the increased assessment revenues attributable to the \$2 increase have been incorrectly treated as GPR-Earned, rather than as program revenue. Consequently, a technical correction to the budget is required to accurately reflect these additional assessment amounts as PR. The fiscal impact of this required technical correction is to reduce GPR-Earned estimates in the bill by \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05 and to provide corresponding PR-REV increases in each fiscal year.

3. Based upon updated projections, it is estimated that underlying growth in the number of assessments, plus the revenues attributable to the \$2 recommended increase, will generate additional revenues of \$1,475,600 PR in 2003-04 and \$2,113,000 PR in 2004-05. This revised estimate represents an increase of \$208,100 PR in 2003-04 and \$423,000 PR in 2004-05, compared to the amounts estimated in the bill. [Since these additional revenue amounts would not have been reflected in the bill as GPR-Earned, there is no adverse impact on the general fund associated with this updated estimate.]

4. Under several DOJ decision items, the Governor has recommended base level reductions of \$5,000,000 GPR and 40.0 GPR positions annually for the agency. This funding adjustment would represent a 14.9% annual reduction to the agency's GPR adjusted base for state operations.

5. The Governor's recommendations relating to the crime lab and drug law enforcement assessment change would apply a portion of this total base budget reduction by deleting GPR funding under the agency's general program operations appropriations for legal services (-\$224,400 GPR and -2.0 GPR positions annually) and for law enforcement services (-\$682,800 GPR and -10.0 GPR positions annually).

6. The Governor's intent was also to provide a corresponding \$907,200 PR and 12.0

PR positions annually (2.0 attorneys, 5.0 special agents and 5.0 forensic scientists) under the DOJ's drug law enforcement and related activities PR appropriation to offset these GPR base budget reductions. However, no additional PR expenditure or position authority was actually provided under that appropriation. Therefore, a technical correction is also needed to provide the necessary increased expenditure and position authority. The PR costs under this appropriation would be funded primarily from the increased crime laboratories and drug law enforcement assessment. The Department has indicated that the funding conversion of these positions is essential and that the loss of these positions would threaten the public safety and law enforcement functions of the agency.

7. DOJ has recently filed a s. 16.515/16.505(2) request with the Committee to manage certain 2002-03 GPR funding reductions through the creation and funding of 14.0 PR positions (2.0 attorneys, 7.0 special agents and 5.0 forensic scientists) at a cost of \$891,300 PR in 2002-03. These positions would be funded primarily from current crime laboratories and drug law enforcement assessments.

8. The agency's request for additional funding and position authority in 2002-03 under this appropriation mirrors the Governor's recommendation for 2003-05 described above, except that the Department's s. 16.515/16.505(2) request would provide an additional 2.0 PR special agents. The Department's request anticipates that these additional 2.0 PR positions and associated funding would continue on a permanent basis. The additional staff would result in a total funding need of \$1,026,200 PR annually (representing an increase of \$119,000 PR annually over the amounts recommended under SB 44) to continue all 14.0 position conversions in the 2003-05 biennium.

9. Because of: (a) the additional funding and position authority requested under the s. 16.515/16.505(2) request; and (b) the fact that the Committee has not yet determined how it might choose to use additional revenues under any increase to the crime laboratories and drug law enforcement assessment, the request has been scheduled for later review, once the Committee has acted on these related biennial budget items.

10. DOJ has indicated that the additional 2.0 PR special agents recommended for funding conversion under the recent s. 16.515/15.505(2) request are also critical to the public safety and law enforcement functions of the agency. Consequently, in the agency's view, additional expenditure authority of \$119,000 PR and the authorization of 2.0 PR special agent positions annually in the 2003-05 biennium should also be provided at this time. The Committee could choose to provide these additional resources to the Department at this time.

11. On the other hand, the Governor did not view the funding conversion of these additional 2.0 PR special agent positions as critical to ongoing Department operations, and this recommendation was not included under the bill. Consequently, the Committee could implement the Governor's original intent by providing \$907,200 PR and 12.0 PR positions annually under the agency's drug law enforcement and related activities appropriation.

ALTERNATIVES

A. Crime Laboratory and Drug Law Enforcement Assessment Increase

1. Approve the Governor's recommendation to increase the crime laboratories and drug law enforcement assessment from \$5 to \$7.

2. In addition to Alternative A-1, include a technical correction reducing GPR-Earned collections under DOJ by \$1,267,500 GPR in 2003-04 and \$1,690,000 GPR in 2004-05 and including corresponding PR-REV adjustments under DOJ of \$1,267,500 in 2003-04 and \$1,690,000 in 2004-05. In addition, reestimate PR-REV under DOJ by an additional \$208,100 in 2003-04 and \$423,000 in 2004-05.

<u>Alternative A-2</u>	<u>GPR</u>	<u>PR</u>
2003-05 REVENUE (Change to Bill)	- \$2,957,500	\$3,588,600

3. Delete the Governor's recommendation.

B. Department of Justice Position Conversions

1. Approve the Governor's recommendations to: (a) reduce DOJ's Legal Services general program operations appropriation by \$224,400 GPR and 2.0 GPR FTE annually; and (b) reduce DOJ's Law Enforcement Services general program operations appropriation by \$682,800 GPR and 10.0 GPR FTE annually.

2. In addition to Alternative B-1, include a technical modification to conform the bill to the Governor's intent by providing authorized expenditure and position authority of \$907,200 PR and 12.0 PR positions annually under DOJ's drug law enforcement and related activities PR appropriation.

<u>Alternative B-2</u>	<u>PR</u>
2003-05 FUNDING (Change to Bill)	\$1,814,400
2004-05 POSITIONS (Change to Bill)	12.0

3. In addition to Alternative B-2, provide an additional \$119,000 PR and 2.0 PR special agents annually to DOJ's drug law enforcement and related activities PR appropriation.

<u>Alternative B-3</u>	<u>PR</u>
2003-05 FUNDING (Change to Bill)	\$238,000
2004-05 POSITIONS (Change to Bill)	2.00

Prepared by: Paul Onsager