

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-3330/1</b>	<b>Introduction Number</b> <b>SB-613</b>
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**Description**  
 Creating a Uniform Collateral Consequences of Conviction Act and granting rule-making authority

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes       No
- Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
  - 1.  Increase Costs      3.  Increase Revenue
  - Permissive  Mandatory       Permissive  Mandatory
  - 2.  Decrease Costs      4.  Decrease Revenue
  - Permissive  Mandatory       Permissive  Mandatory
- 5. Types of Local Government Units Affected
  - Towns       Village       Cities
  - Counties       Others
  - School Districts       WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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**Fiscal Estimate Narratives**  
**CTS 3/31/2010**

LRB Number	<b>09-3330/1</b>	Introduction Number	<b>SB-613</b>	Estimate Type	<b>Original</b>
<b>Description</b> Creating a Uniform Collateral Consequences of Conviction Act and granting rule-making authority					

**Assumptions Used in Arriving at Fiscal Estimate**

This bill adopts the Uniform Collateral Consequences of Conviction Act, originally proposed by the Uniform Law Commission. The bill adds several new responsibilities to courts in criminal matters that come before them:

1. At sentencing the court is required to advise the defendant that collateral consequences may apply because of the conviction (or adjudication for juveniles), that there may be ways for the defendant to obtain relief from those consequences, where the defendant may obtain the collection of laws and other matters detailing collateral consequences of conviction, information on agencies that might assist in seeking relief from the consequences of conviction and when the individual may vote.
2. The court is required to act on any petitions for an order of limited relief or for a certificate of restoration of rights.
3. The court may be required to act to restrict or revoke any previously granted order of limited relief or certificate of restoration of rights.

The responsibility described in #1 above does not appear to require new hearings but may add to the time it takes to conduct sentencing hearings. It is unclear from the bill how much time will be added or how long these notifications will take.

Under the terms of the bill, the responsibilities listed in # 2 and # 3 above may require additional court hearings. It is unclear how extensive these hearings may be, although the bill authorizes the court to "order any test, report, investigation, or disclosure by the individual it reasonably believes necessary to its decision." The bill also requires that the parties be allowed to submit evidence and be heard on the issues before the court.

These provisions will also likely require development of new circuit court forms; these forms are developed by staff of the Director of State Courts office.

In order to estimate the fiscal impact of this bill it is necessary to know how often defendants will file petitions for an order of limited relief or for a certificate of restoration of rights and how often there will be requests to limit or restrict those orders and certificates. At this time, it is impossible to predict how many such petitions will be filed in the circuit courts.

Additional proceedings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. An accurate estimate of the additional costs is impossible with the data available.

**Long-Range Fiscal Implications**