

Fiscal Estimate - 2011 Session

Original Updated Corrected Supplemental

LRB Number 11-0859/3		Introduction Number AB-0243	
Description Sexual assault of a student by a member of a school staff and providing a penalty			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" 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

DPI 9/19/2011

LRB Number	11-0859/3	Introduction Number	AB-0243	Estimate Type	Original
Description Sexual assault of a student by a member of a school staff and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who is a member of a school staff may not have sexual contact or sexual intercourse with a child who is over the age of 16 but under the age of 18 and who is enrolled in the person's school or school district. A person who does so is guilty of a Class H felony and subject to a fine up to \$10,000, imprisonment up to six years, or both. In addition, a person who is convicted of this crime must register as a sex offender and is ineligible for early release from incarceration and for certain types of employment or licensing. Current law also places restrictions on the type of evidence that is admissible when a person is prosecuted for the crime, allows a court to restrict spectators at the trial, and requires school administrators to report a person who is charged with this crime to the state superintendent of public instruction.

This bill makes it a crime for a person who is or was a member of a school staff to have sexual contact or sexual intercourse with a person who is, or who was within one year of the contact or intercourse, a student at a school where the person is or was a member of the school staff. Under the bill, a person who does so is guilty of a Class H felony and is subject to the same penalties, sex offender registry requirements, and restrictions as a member of a school staff who is convicted of having sexual contact or sexual intercourse with a child who is over the age of 16 and who is enrolled in the person's school or school district.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

The conduct covered by this bill would qualify under s. 115.31 (6) (b), Stats. Upon receiving a report of immoral conduct relating to a person licensed by the state superintendent, the state superintendent shall investigate to determine whether to initiate revocation proceedings. The department will open an investigation and request additional information from the school district, if necessary. If the department determines the complaint warrants a possible license revocation, it will schedule a hearing regarding the complaint. If the licensee waives his or her right to a hearing, the department may automatically revoke the license. An increase in occurrences of this crime would result in a corresponding increase in license revocation proceedings.

State:

This bill could potentially increase the number of individuals reported to the department for immoral conduct due to sexual contact with a student or former student. An increase in the number of reports would result in a corresponding increase in the number of license revocation investigations and possible hearings initiated by the department under s. 115.31 (6) (b), Stats.

Upon receiving a report of immoral conduct relating to a person licensed by the state superintendent, the state superintendent must investigate to determine whether to initiate revocation proceedings. The department will open an investigation and request additional information from the school district, if necessary. If the department determines the complaint warrants a possible license revocation, it will schedule a hearing regarding the complaint. If the licensee waives his or her right to a hearing, the department may automatically revoke the license. The department must pay approximately \$350 for docketing and \$135 per hour to a hearing officer to cover pre-hearing conferences, hearings, research, writing, and travel costs. This is in addition to the department staff time already invested into the complaint investigation and hearing preparation. These costs are incurred regardless of whether the hearing ultimately takes place and if the hearing does occur, whether or not it results in the revocation of a license.

As any increase in the number of reports or occurrences is indeterminate, the fiscal effect to the department is indeterminate. Any costs would be absorbed within the department's budget.

Local:

This bill would place an onus on local school districts to investigate and take action on staff members suspected or known to be in a sexual relationship with students who have left the school within the prior year. Any cost to investigate and take action would be absorbed by the school districts. It is unknown how many additional investigations would be conducted; therefore the fiscal effect is indeterminate.

Long-Range Fiscal Implications