

### Fiscal Estimate - 2011 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 11-1711/1	<b>Introduction Number</b> <b>AB-0720</b>
<b>Description</b> Reporting deaths, death investigations and other duties of coroners and medical examiners, disposition of bodies, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b> <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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input checked="" type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue      5. Types of Local Government Units Affected <input 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 type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1)	
<b>Agency/Prepared By</b> SPD/ Anna Oehler (608) 267-0311	<b>Authorized Signature</b> Adam Plotkin (608) 264-8572
<b>Date</b> 3/23/2012	

## Fiscal Estimate Narratives

SPD 3/23/2012

LRB Number	11-1711/1	Introduction Number	AB-0720	Estimate Type	Original
<b>Description</b> Reporting deaths, death investigations and other duties of coroners and medical examiners, disposition of bodies, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill clarifies who is required to report a death and to whom it should be reported as well specifies jurisdiction assignments, autopsy and diagnostic procedure requirements, record keeping and handling of personal property, disposition of bodies, and mental health treatment record access. This bill increases the forfeiture penalty for a violation from \$1,000 to \$10,000 and maintains the current 90 day jail penalty for a person who fails to report a death for which reporting is required.

Regarding the access to mental health treatment records, specifically this bill provides a coroner or medical examiner access to a deceased's mental health treatment records without informed consent for the purpose of completing a medical certification on a certificate of death or for conducting a death investigation. These mental health records may contain information regarding a crime committed by someone other than the deceased. If these records are not considered confidential and could be used as the basis for investigating or charging those crimes by law enforcement or prosecutors, then the number of cases represented by SPD could increase; however, we have no way to determine how many cases this could be or would qualify for SPD representation.

Because the bill only increases the fine for failure to report a death the SPD representation is not anticipated to increase; therefore, there is no additional fiscal impact for the SPD.

### Long-Range Fiscal Implications