

Fiscal Estimate - 2017 Session

Original Updated Corrected Supplemental

LRB Number 17-4578/1		Introduction Number AB-0570	
Description obtaining crime victim mental health treatment records			
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 type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<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	
DA/ Amanda Mott (608) 261-8404		James Langdon (608) 264-6109	
		Date	
		11/6/2017	

Fiscal Estimate Narratives

DA 11/6/2017

LRB Number	17-4578/1	Introduction Number	AB-0570	Estimate Type	Original
Description obtaining crime victim mental health treatment records					

Assumptions Used in Arriving at Fiscal Estimate

This bill creates a procedure for a criminal case defendant to seek access to the mental health treatment records of a crime victim that are not in the possession of or under the control of a government entity when he or she believes that those records contain information that is crucial to the defendant's defense. First, the court must grant the request, review the records and determine whether the records should be disclosed. If the court determines they should be disclosed, the crime victim may then review those records and consent to disclose the records, appeal the court's decision or decline to disclose the records and be barred from testifying at the trial.

All filings and records pertinent to this process and the mental health treatment records of the victim are to be sealed by the court. Additionally, all decisions of the court during this process may be appealed at any time by the state or the crime victim as a matter of right. This bill also adds enumerated rights to the basic bill of rights for victims describing the right of a victim to privacy in his or her mental health treatment records, in accordance with the new procedure that the bill creates.

District Attorneys indicated this legislation could significantly increase the number of prosecutor and victim witness coordinator hours needed to prosecute these cases due to additional hearings, increased victim outreach and appeals.

Long-Range Fiscal Implications

The long-range fiscal implications of this legislation on district attorneys offices are indeterminate.