

Fiscal Estimate Narratives

DA 3/23/2015

LRB Number	15-1716/1	Introduction Number	SB-043	Estimate Type	Original
Description John Doe proceedings and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law governing John Doe hearings, a District Attorney (DA) can request a judge to convene a proceeding to make a decision whether a crime has been committed. A person who is not a DA may notify a judge that s/he thinks a crime has been committed, and the judge must refer the complaint to a DA. Any conduct that is prohibited by State law and punishable by fine or imprisonment or both is a crime that may be investigated under a John Doe proceeding. The judge has discretion whether or not to keep the proceeding secret.

Under this bill, crimes that may be investigated under a John Doe proceeding are certain felonies or conduct punishable by fine or imprisonment or both that is allegedly committed by an on-duty law enforcement officer, corrections officer, or State probation, parole, or extended supervision officer. The judge may enter a secrecy order, but the order may apply only to a limited number of persons. This bill imposes a six-month time limit on a John Doe proceeding, though it may be extended for additional six-month periods if a majority of judicial administrative district chief judges agree. Records reflecting the costs of John Doe investigations are a matter of public record, and special prosecutors may be appointed to assist the DA in John Doe proceedings only under certain conditions.

Prosecutors believe enactment of this bill could increase the need for ADAs should their offices use grand jury proceedings for certain criminal activities that the bill excludes from the scope of John Doe. In addition, prosecutors believe John Doe cases frequently take more than six months and the process under the bill to extend the six-month period may be time-consuming. Due to the uncertainty of how much time the aforementioned activities will require, it is difficult to quantify the fiscal impact of this bill; consequently, a fiscal estimate is indeterminate.

Long-Range Fiscal Implications

For the reasons cited above, the long-term fiscal impact of this bill, if enacted, is indeterminate.