

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number -1428/2	Amendment Number if Applicable
Bill Number AB 3	Administrative Rule Number

Subject
Criminal Code Reclassification

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

- | | | |
|--|---|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.680(2)(a)

Assumptions Used in Arriving at Fiscal Estimate

This bill implements the recommendations of the Criminal Penalties Study Committee which was created by 1997 Wisconsin Act 283. It reclassifies all felony offenses and some misdemeanor offenses, creates a sentencing commission to study sentencing practices and sunsets on 12/31/2006 and requires the commission to adopt advisory sentencing guidelines for use by judges for felonies. The bill also creates a joint review committee on criminal penalties to review proposed legislation that creates a new crime or revises a penalty for an existing crime.

It is expected that the Director of State Courts office will incur additional costs in assisting with the development of the advisory sentencing guidelines required under this bill.

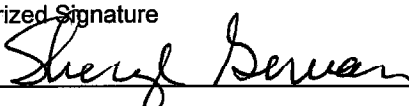
The Criminal Penalties Study Committee, in preparing its report, requested from the Office of Court Operations detailed information and analysis to compile two of the 11 crimes they established sentencing guidelines for. The analysis required two weeks of staff time. It is anticipated that the committee or the commission will also request similar information and analysis to compile guidelines on the remaining 484 crimes. Court Operations estimates that a project position will be needed for three years to comply with those requests. It is expected that such a position would cost:

Salary	\$43,700
Fringes	14,700
Supplies	1,200
 Total	 \$59,600
One-time Costs	2,500

To complete the other nine guidelines the committee requested additional data from the Circuit Court Automation Program (CCAP). Based on the amount of additional contract programmer time that was needed it is estimated that a contract programmer

Long-Range Fiscal Implications

In light of the fact that the Criminal Penalties Study Committee states that CCAP for many years will be the primary source of sentencing information for the courts and that the sentencing commission reports should have a different substantive theme each (continued)

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Authorized Signature 	Telephone No.	Date (mm/dd/ccyy) 1/23/01

Assumptions Used in Arriving at Fiscal Estimate (Continued)

would be needed for one year to finish guidelines for the remaining crimes. The cost would be approximately \$135,200 (\$65/hr.).

It should also be noted that the report assumes that three non-CCAP counties will be reporting data to CCAP so that statewide data will be available. Those three counties are Outagamie, Portage and Walworth. Their information systems would have to be changed to comply with the new reporting requirements. It is expected that this would take two to three weeks of county staff time at \$50/hr. to complete the changes.

With respect to the circuit courts the sentencing form that must be filled out by the court at the disposition of the case is ~~larger~~ larger than the previous form that was used several years ago. It is presumed for purposes of this fiscal note that most of the data required on the form would be supplied by the presentence investigators.

Long-Range Fiscal Implications (Continued)

year it is expected that additional demands will be made on CCAP that are not included in this estimate. These requests could include such things as graphic output reports on data relating to sentence lengths, by geographical area, race or crime class and information on pled and proved penalty enhancers. Although it is impossible to predict the specifics of what additional resources CCAP will need until the new sentencing commission is functional, it is anticipated that CCAP will not be able to provide it with additional reports or data while operating from its current funding and staffing base. Nor is it possible to estimate how long it will take or what additional resources will be required to link with other criminal justice informational systems that would facilitate such things as a common defendant identification number. Such a linkage is several years in the future.

Fiscal Estimate Worksheet — 2001 Session

Detailed Estimate of Annual Fiscal Effect

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One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

\$137,700 - STATE GPR
 \$12,000 - 18,000 - COUNTY

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	\$ 58,400	\$ -
(FTE Position Changes)	(FTE)	(FTE)
State Operations — Other Costs	1,200	-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	\$ 59,600	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 59,600	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues <small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>	Increased Revenue	Decreased Revenue
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
Total State Revenues	\$	\$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 59,600	\$
Net Change in Revenues	\$	\$

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