

Fiscal Estimate Narratives
SPD 4/25/2007

LRB Number 07-0519/1	Introduction Number AB-0277	Estimate Type Original
Description Adjusting prison sentences for misdemeanors		

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 proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

This bill does not create a new criminal offense. It extends eligibility for certain sentence adjustments. The SPD does not provide representation to applicants for these sentence adjustments. Thus, the bill is unlikely to have any fiscal effect on the SPD.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Because the constitutional right to counsel arguably does not extend to a proceeding for this type of sentence adjustment, it is unlikely that circuit courts will appoint counsel often at county expense.

Long-Range Fiscal Implications