Fiscal Estimate - 2007 Session

Original Updated	Corrected Suppl	emental			
LRB Number 07-0519/1	Introduction Number AB-027	77			
Description Adjusting prison sentences for misdemeanors					
Fiscal Effect					
Appropriations Rev Decrease Existing Dec Appropriations Rev Appropriations Rev Create New Appropriations Local: No Local Government Costs Indeterminate 1. Increase Costs 3. Incre Permissive Mandatory Perm 2. Decrease Costs 4. Decrease	ease Existing enues rease Existing enues To absorb within agence absorb within agence To absorb within agence absorb within agence To absorb within ag	y's budget No No cted Cities			
☐ Permissive ☐ Mandatory ☐ Perm	missive Mandatory Districts Distric	:ts			
Fund Sources Affected Affected Ch. 20 Appropriations GPR FED PRO PRS SEG SEGS					
Agency/Prepared By	Authorized Signature	Date			
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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