

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-0949/3	Introduction Number AB-0699	
Description making a false criminal complaint and providing penalties		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <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 5.Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives
SPD 2/5/2008

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Description making a false criminal complaint and providing penalties					

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.

Because this bill creates new felony and misdemeanor offenses, it would increase SPD costs. The average SPD cost to provide representation in a felony case is \$543.01 (for felony classes D-I, based upon fiscal year 2007 data). The average SPD cost to provide representation in a misdemeanor case is \$224.78. We do not know how many cases would be brought under the proposed new criminal law, but we could track the number of cases in the future (after the law takes effect).

Under the bill, a false report is a felony offense if the crime falsely reported is a felony. This aspect of the bill is likely to result in extensive investigation and litigation (at preliminary hearings, motion hearings, and trials) regarding whether the (non-existent) falsely reported crime was a felony. Although some crimes (such as robbery, burglary, and forgery) are felonies under all circumstances, other crimes (such as theft, criminal damage, and battery) are felonies only under special circumstances. Furthermore, persons unfamiliar with specific statutory definitions may use descriptions of criminal conduct imprecisely. Thus, SPD anticipates higher than average costs (for a comparable class of felony offense) under this statute. SPD can track the average attorney time for this felony charge in the future (after the law takes effect).

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. The counties also incur costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications