

Fiscal Estimate Narratives

SPD 12/11/2007

LRB Number	07-2766/2	Introduction Number	AB-0783	Estimate Type	Original
Description Reporting deaths, death investigations and other duties of coroners and medical examiners, inquests, disposition of bodies, training and testing requirements for coroners and medical examiners, creating the Board on Medicolegal Investigations, requiring the exercise of rule-making authority, and providing a penalty					

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.

Although much of the bill is regulatory, rather than focused on defining criminal behavior, the bill also expands the types of situations in which individuals may be subject to a misdemeanor charge for failure to report a death. Thus, the SPD could see an increased number of cases as a result of the bill. The average SPD cost to provide representation in a misdemeanor case is \$224.78 (from FY 07 data). The SPD does not have any available data to estimate the number of new cases. The SPD did not provide representation on any charges of failure to report a death during either FY 06 or FY 07.

The bill also provides that the SPD will have a representative on a board on "medicolegal investigations." The SPD does not anticipate that the service of its representative in this capacity would involve significant cost to 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. Thus, the increased penalties would add to county costs in cases in which the court appoints the defense attorney. The counties also incur additional costs associated with longer incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications