



## Fiscal Estimate Narratives

SPD 3/12/2008

LRB Number	<b>07-3576/1</b>	Introduction Number	<b>AB-0913</b>	Estimate Type	<b>Original</b>
<b>Description</b> Exposure and minors 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.

Because this bill reclassifies a misdemeanor offense to a felony offense, 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. Thus, the average cost for a felony offense is higher than for a misdemeanor by \$318.23. In the 2006 and 2007 fiscal years, SPD averaged 37 appointments annually for cases brought under this statute (cases in which there was no simultaneous felony charge). The anticipated annual cost of increasing this number of cases to felonies is \$11,775.

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. The proposed bill would likely increase these costs, both for appointment of attorneys and for incarceration of defendants.

### Long-Range Fiscal Implications