

Fiscal Estimate - 2009 Session

Original Updated Corrected Supplemental

LRB Number 09-1854/3		Introduction Number AB-0377	
Description Killing or harming with a motor vehicle or motorboat wild animals and providing a penalty			
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"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues		
<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 checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5.Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input checked="" 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 checked="" 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			
Agency/Prepared By	Authorized Signature	Date	
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Fiscal Estimate Narratives
SPD 8/25/2009

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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 has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill creates a new criminal offense for using a motorboat or motor vehicle to kill or harm a wild animal. The offense would be classified as a felony. The SPD's average cost to provide representation in a felony case, calculated on the basis of the SPD's average cost per case in fiscal year 2008, is \$544.58.

The SPD also provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision (the forms of supervision are probation, parole, and extended supervision). Although this bill would not immediately increase the number of cases in which the SPD appoints attorneys in revocation proceedings, over time the SPD would see such an increase as persons convicted of the new crime face revocation of probation or extended supervision. The SPD does not have the data to determine how many additional persons would be placed on supervision or the number of persons who would have their supervision revoked. The average cost during fiscal year 2008 for SPD representation in a revocation proceeding was \$368.86.

The SPD has no data to predict the number of additional felony or revocation cases that would result from the change proposed in this bill. The SPD could track this information in the future, if the bill is enacted.

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 counties would experience increased costs attributable to felony charges and revocation proceedings resulting from this bill. Appointments may occur for the criminal proceedings, for administrative revocation hearings, and for sentencing hearings in court following revocation. The counties could also incur additional costs associated with incarceration of defendants, pending trial, pending revocation of supervision, and after sentencing or revocation.

Long-Range Fiscal Implications