

Fiscal Estimate Narratives
SPD 2/25/2009

LRB Number	09-0049/1	Introduction Number	AB-0070	Estimate Type	Original
Description Adjudications for involuntary commitment, appointment of a guardian of the person, and protective placement or protective services, background checks for the purchase of handguns, and requiring the exercise of rule-making authority					

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 does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. However, it would amend chapter 51, regarding mental-commitment proceedings, and chapter 55, regarding protective-services cases. The SPD provides representation in these proceedings. It does not appear that the bill would increase the number of chapter 51 proceedings in which the SPD would appoint counsel (this interpretation is based on the assumption that the courts would not interpret section 51.60 or section 55.105, Stats., to provide a right to SPD representation in a petition to restore the right to possess a firearm under federal law). Therefore, the SPD does not anticipate any increase in its caseload as a result of this proposal.

The bill amends the court's responsibilities and options in chapter 51 and 55 hearings regarding orders prohibiting possession of a firearm. These amendments could add attorney time in certain cases, which would then increase SPD costs. However, the SPD does not anticipate that a substantial number of cases would be affected.

Long-Range Fiscal Implications