

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-4163/1	Introduction Number AB-0841
Description Intoxicated operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles, the calculation of the amount of moneys to be expended from the snowmobile account in the conservation fund for certain activities relating to snowmobile trails and routes, and providing penalties	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease 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 Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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Date	
3/24/2010	

Fiscal Estimate Narratives

SPD 3/24/2010

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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 and certain commitment 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 makes a number of changes to current law regarding the operation of snowmobiles, all terrain vehicles and boats, which would all be categorized as "recreational vehicles", some of which will likely result in an indeterminate increase in the number and severity of SPD misdemeanor appointments.

Previous convictions for operating any of these three types of vehicles would be counted when determining whether a charge of intoxicated use of one of these vehicles is a second or subsequent offense. The bill also raises the age of absolute sobriety for snowmobiles and ATVs to 21, and standardizes the penalties for intoxicated use and refusal laws for boats, snowmobiles and ATVs to the higher penalty when there is a conflict under current law. Although these crimes would all remain misdemeanors, the exposure to higher fines and longer jail terms may prompt more defendants to apply for SPD representation. On the other hand, an operator who is the owner of the recreational vehicle might not meet the SPD's financial eligibility requirements. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case is \$214.11, calculated on the basis of the SPD's average cost per case in fiscal year 2009.

Some cases that are presently non-criminal forfeitures would become misdemeanors under this bill. These cases would occur when persons are charged for a second offense and when the type of vehicle in the second offense is different from the type in the first offense (for example, 1st offense involves a snowmobile, and second offense involves a boat).

Counties would also be subject to increased costs under this bill. 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 the provisions in this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications