

Fiscal Estimate Narratives

SPD 4/30/2009

LRB Number	09-2415/1	Introduction Number	SB-178	Estimate Type	Original
Description Requiring persons who violate certain restraining orders or injunctions to be monitored by a global positioning system, making an appropriation, 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 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 would create a new criminal offense, for tampering with a global positioning device placed on the person under the other provisions of the bill. This new offense would be classified as a felony, and the SPD would incur increased costs attributable to the new cases in which the SPD would be required to appoint attorneys. In fiscal year 2008, the SPD's average cost per felony was \$544.58.

The SPD does not have data available to estimate the number of cases in which the new felony offense will be charged. However, the SPD could track the number of cases in the future, if this 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 additional felony cases. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications