

Fiscal Estimate Narratives

SPD 1/26/2010

LRB Number	09-4079/1	Introduction Number	SB-478	Estimate Type	Original
Description Orders to commit state prison inmates to a mental health facility					

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 does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would make changes to the duration of certain commitment orders involving prison inmates. Because this change would have no effect on the number or duration of proceedings, there is no anticipated fiscal effect for the SPD.

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. However, there is no anticipated fiscal effect on the counties for appointment of counsel.

Long-Range Fiscal Implications

None.