

Fiscal Estimate Narratives

DOJ 2/12/2010

LRB Number	09-3857/1	Introduction Number	SB-496	Estimate Type	Original
Description Possession of dogs by certain felony offenders and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under 2009 Senate Bill 496, certain persons are prohibited from possessing, controlling, or residing with a vicious dog. A person who violates this prohibition is guilty of a Class I felony if a person or an animal suffers great bodily harm or death as a result of the violation. A person who violates this prohibition is guilty of a Class H felony if an individual suffers great bodily harm or death as a result of the violation and the person knowingly allowed the dog to run loose or failed to take steps to keep the dog in an enclosure or under control.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since SB 496 will increase the types of activities that can be prosecuted as a felony, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increase in caseload would be relatively small. However, if the increase in the number of cases is larger than anticipated, the department will need additional resources.

Long-Range Fiscal Implications