



## Fiscal Estimate Narratives

SPD 4/20/2010

LRB Number	09-4687/1	Introduction Number	SB-689	Estimate Type	Original
<b>Description</b> The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

### 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 grants the right to a jury trial in certain juvenile delinquency proceedings. Jury trials are more time-consuming for defense attorneys compared with bench trials, including time spent on jury selection, which could increase the cost of these appointments. However, the scheduling of a jury trial may in some cases promote earlier negotiations to settle pending cases, which could in turn decrease costs. In adult criminal cases, only a small percentage of the cases proceed to a jury trial, although the right to a jury trial exists in all cases.

In fiscal year 2008-09, the SPD appointed counsel in 3,150 delinquency proceedings, at an average cost of \$423.68, based on current rates paid to private bar attorneys; the in-court rate is \$40 per hour. However, we do not know how many of those would have had a right to a jury trial under the provisions of this bill, and thus cannot predict the fiscal effect.

### Long-Range Fiscal Implications