

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-4171/1	Introduction Number AB-0665
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Description
 Searches by a law enforcement officer of a person on probation, parole, or extended supervision

Fiscal Effect

State:

No State Fiscal Effect
 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
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Local:

No Local Government Costs
 Indeterminate

1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <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
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1)	

Agency/Prepared By SPD/ Anna Oehler (608) 267-0311	Authorized Signature Adam Plotkin (608) 264-8572	Date 3/12/2012
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Fiscal Estimate Narratives

SPD 3/12/2012

LRB Number	11-4171/1	Introduction Number	AB-0665	Estimate Type	Original
Description Searches by a law enforcement officer of a person on probation, parole, or extended supervision					

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 critical 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 specifies that a person who is placed on probation or who is released from incarceration to parole or extended supervision is subject to having his or her person, residence and any property under his control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of supervision.

The SPD has no data to predict the number of additional cases that could result from the changes proposed in this bill; however, as of December 31, 2011 the Department of Corrections was monitoring 67,345 individuals conditionally released on probation, parole, or extended supervision.

This bill would indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill would indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2011 for SPD representation by a private bar attorney in a revocation proceeding was \$322.46. Therefore, the SPD would incur additional costs because of additional revocation cases attributable to this bill.

Additionally, because law enforcement officers would have significantly expanded search and seizure power, the use of reasonable suspicion could be the basis for searches that would require a warrant under current law. In addition to revocation proceedings, new criminal charges could be filed that would increase the complexity and resulting cost of revocation proceedings.

Because of the annual caseloads for staff attorney positions specified for budgeting purposes under §977.08 (5), it would be more cost effective to add staff attorney positions should the bill result in a number of additional charges.

Counties are also subject to increased costs when 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. 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 of this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications