

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-0873/2	Introduction Number SB-329	
Description Restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input checked="" type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
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)(d)		
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Fiscal Estimate Narratives

SPD 12/12/2011

LRB Number	11-0873/2	Introduction Number	SB-329	Estimate Type	Original
Description Restoring the right to vote to certain persons barred from voting as a result of a felony conviction, changing the information required on voter registration forms, and changing voting procedure for certain persons who are convicted of felonies					

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 would remove being on extended supervision, probation, or parole as a disqualifying offense for voting. Voting without the necessary elector qualifications is a violation of § 12.13(1)(a), which is punishable as a Class I felony. In Fiscal Year 2011, the SPD provided representation for six clients who met SPD financial eligibility guidelines and were charged with this crime. The SPD's average cost per felony appointed to private bar attorneys was \$559.41 for the same fiscal year. Thus, the bill has the potential to reduce expenditures.

The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus because of the modest decrease in felony cases, the bill could also indirectly decrease 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.

Counties can also realize decreased costs when a crime is repealed or a current penalty for an existing crime is revised. 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 could experience decreased costs attributable to the repeal of criminal charges resulting from this bill. The counties could also realize additional savings associated with the incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications