



## Fiscal Estimate Narratives

SPD 8/13/2013

LRB Number	13-2511/1	Introduction Number	AB-0273	Estimate Type	Original
<b>Description</b> Obtaining a search warrant for certain civil violations					

### 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 proceedings. The SPD plays a significant 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 allows a court, upon finding of probable cause, to authorize a search warrant that allows a law enforcement officer to search and seize anything that is the fruit of, or has been used in, the commission of a crime or of a civil violation of the prohibitions against driving while under the influence.

The SPD does not provide representation for civil offenses, which relates to first offense OWI convictions so costs associated with this bill would be minimal to the SPD.

Currently, a search warrant is required for OWI related blood draws, which are defined as a type of "search and seizure" (Missouri vs. McNeely).

Counties and cities are also subject to increased court costs to issue the search warrant and law enforcement officers to complete the search and seizure of potential evidence.

### Long-Range Fiscal Implications