

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-3541/1	Introduction Number AB-0488
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Description
 Involuntary commitment proceedings and limited appearance by corporation counsel

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 type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input 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)(b-d)	

Agency/Prepared By	Authorized Signature	Date
SPD/ Anna Oehler (608) 267-0311	Adam Plotkin (608) 264-8572	11/15/2013

Fiscal Estimate Narratives

SPD 11/15/2013

LRB Number	13-3541/1	Introduction Number	AB-0488	Estimate Type	Original
Description Involuntary commitment proceedings and limited appearance by corporation counsel					

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 provides a process requiring county corporation counsel to make a limited appearance in three person involuntary commitment petition proceedings. The limited appearance procedure under the bill does not apply to petitions that originate from an emergency detention. The bill also requires that the court review the three-person petition for examination within 24 hours after the petition is filed, excluding Saturdays, Sundays, and legal holidays, to determine whether an order of detention should be issued. The bill also requires that if an individual is detained based on the three-person petition or if the person had been detained on an emergency detention, the court must schedule the hearing in addition to holding the probable cause hearing within 72 hours after the individual arrives at the facility, excluding Saturdays, Sundays, and legal holidays, unless postponed as allowed by law.

The SPD has no data to predict the number of additional Chapter 51 cases that would result from the changes proposed in this bill; however, the SPD estimates that the additional caseload will not significantly increase. The SPD's FY2013 average cost to provide representation with a private bar attorney in a Chapter 51 case was \$167.74. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

Counties may have increased costs to implement and maintain a new three party petition process for involuntary commitments resulting from this bill. The SPD is unable to estimate the costs associated with the three-party petitioning process for involuntary commitments.

Long-Range Fiscal Implications