

Fiscal Estimate Narratives

SPD 2/7/2014

LRB Number	13-4183/1	Introduction Number	AB-0727	Estimate Type	Original
Description Firearm prohibition for an individual subject to an individuals-at-risk injunction and disclosure of and access to information regarding individuals who are prohibited from possessing a firearm					

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 requires a person who is prohibited from possessing a firearm, and must surrender any firearm he or she possesses if he or she is subject to an individuals-at-risk injunction and the court determines that he or she may use a firearm to harm another or endanger public safety. The surrendered firearm under an individuals-at-risk injunction may not be returned until a court determines that the injunction has been vacated or has expired and that the person who surrendered the firearm is not otherwise prohibited from possessing a firearm. The bill also requires a court, before returning a firearm surrendered under an injunction, to request the Department of Justice (DOJ) to provide information on whether the person who surrendered the firearm is otherwise prohibited from possessing a firearm. This bill also allows a law enforcement agency or officer to request DOJ to provide information about a person's eligibility to possess a firearm if the agency or officer is doing any of the following: determining if a person who possesses a firearm is illegally possessing the firearm following a mental health finding that rendered him or her ineligible to possess a firearm; determining if a candidate for employment as a law enforcement officer or a current law enforcement officer is prohibited from possessing a firearm; and determining if a former or current law enforcement officer is qualified for the identification that allows a former or current law enforcement officer to carry a concealed weapon. This bill authorizes DOJ to provide this information to courts and law enforcement upon their request.

This bill has no fiscal effect on the SPD.

Long-Range Fiscal Implications