

### Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

|  |   |             |
|--|---|-------------|
| <b>LRB Number</b> <b>13-3492/1</b>   | <b>Introduction Number</b> <b>AB-0853</b> |             |
| <b>Description</b><br>Return of a seized firearm to the person who owns the firearm  |   |             |
| <b>Fiscal Effect</b>   |   |             |
| <b>State:</b>  |   |             |
| <input checked="" type="checkbox"/> No State Fiscal Effect<br><input type="checkbox"/> Indeterminate<br><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<br><input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs   |   |             |
| <b>Local:</b>  |   |             |
| <input checked="" type="checkbox"/> No Local Government Costs<br><input type="checkbox"/> Indeterminate<br>1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <b>5. Types of Local Government Units Affected</b><br><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<br>2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others<br><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 |   |             |
| <b>Fund Sources Affected</b>   |   |             |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS   |   |             |
| <b>Affected Ch. 20 Appropriations</b>  |   |             |
| <b>Agency/Prepared By</b>  | <b>Authorized Signature</b>               | <b>Date</b> |
| SPD/ Anna Oehler (608) 267-0311  | Adam Plotkin (608) 264-8572               | 3/11/2014   |

## Fiscal Estimate Narratives

SPD 3/11/2014

|   |           |                     |         |               |          |
|---|-----------|---------------------|---------|---------------|----------|
| LRB Number  | 13-3492/1 | Introduction Number | AB-0853 | Estimate Type | Original |
| <b>Description</b><br>Return of a seized firearm to the person who owns the 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.

Current law specifies a process and criteria for courts and police officers to use to determine ownership of property that has been seized by a police officer and to decide if, how, and when to return the seized property. Under this bill, if a firearm is seized, the firearm must be returned to the person who owns the firearm within 48 hours of the district attorney declining to file charges against the person in connection with the seizure, within 48 hours of the dismissal of the charges against the person in connection with the seizure, within 48 hours of the trial court reaching final disposition of all charges against the person in connection with the seizure if the person is not adjudged guilty, if no charges against the person are filed in connection with the seizure six months after the seizure, or within five business days after determining that the person did not have prior knowledge of and did not consent to the activity that resulted in the seizure.

This bill has no fiscal effect on the SPD.

### Long-Range Fiscal Implications