

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-1785/1	Introduction Number SB-109
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Description
 Regulation of oleoresin of capsicum in containers sold in this state

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR
 FED
 PRO
 PRS
 SEG
 SEGS 20.550(1)

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Fiscal Estimate Narratives

SPD 4/2/2013

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Description Regulation of oleoresin of capsicum in containers sold in this state					

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 alters or removes certain crimes, but does not create or expand an existing criminal offense. The bill prohibits the Department of Justice from promulgating rules that regulate the sale of devices or containers that contain oleoresin of capsicum (commonly known as the pepper in pepper spray). The bill does not remove the penalty for selling a device or container that does not comply with the rules, which is currently a Class A misdemeanor.

The bill consolidates the requirements regarding packaging and safety instructions. Violations of these provisions will continue to be punishable as a Class A misdemeanor.

This bill eliminates the prohibition against leaving an unsold device or container in a place where customers have access to it. Under current law, this violation is punishable as a Class A misdemeanor.

Because the changes in this bill are to provisions that would affect individuals who sell pepper spray and because these individuals are unlikely to meet the financial eligibility criteria to qualify for representation by the State Public Defender, it is unlikely that this bill will have a significant impact on the number of cases in which the SPD provides representation.

Long-Range Fiscal Implications