



## Fiscal Estimate Narratives

SPD 3/4/2017

LRB Number	17-1564/1	Introduction Number	SB-038	Estimate Type	Original
<b>Description</b> medical use of marijuana, the regulation of marijuana distribution entities, requiring the exercise of rule-making authority, making appropriations, and providing a criminal penalty					

### 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.

The bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would amend procedures in criminal cases in which the defendant is charged with possession of marijuana. Specifically, the bill would provide a defense to prosecution if the defendant can show that he or she possessed the marijuana for medical reasons (the bill would also provide for an administrative process to document the medical reason for using the substance). As charges could still be issued, the SPD does not anticipate an increase in its caseload as a result of this proposal. The creation of a medical use defense may decrease the complexity of some of these cases.

### Long-Range Fiscal Implications