

Fiscal Estimate Narratives

SPD 3/20/2017

LRB Number	17-1977/1	Introduction Number	SB-073	Estimate Type	Updated
Description mandatory period of confinement for homicide by intoxicated use of a vehicle 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.

Under this bill, a person who is convicted of homicide by intoxicated use of a vehicle must be sentenced to imprisonment and his or her period of confinement must be at least five years. Under the bill, if the decedent was a passenger in the person's car, a court may sentence the person to less than the minimum if the court finds that the best interests of the community will be served and that the public will not be harmed. If the court sentences a person to less than the minimum, the bill requires the court to put its findings on the record.

Because the bill imposes mandatory minimum penalties for an already existing crime, it is unlikely that the bill will result in significant additional cost to the SPD. There may be a slight cost increase as extended threat of incarceration may cause an increase in the number of cases resolved by trial rather than plea.

Long-Range Fiscal Implications