

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-0755/1	Introduction Number AB-110
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Subject
 Right to a jury trial for juvenile who may be placed in secure custody beyond age of majority

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572	Date 2/23/2005
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Fiscal Estimate Narratives

SPD 2/23/2005

LRB Number	05-0755/1	Introduction Number	AB-110	Estimate Type	Original
Subject					
Right to a jury trial for juvenile who may be placed in secure custody beyond age of majority					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

Since this bill does not create new offenses or broaden definitions of existing offenses, it would not increase the number of cases in which SPD provides representation. However, it would change the procedure in some of the juvenile delinquency cases in which SPD provides representation under chapter 938, Stats. The bill would provide the right to a jury trial whenever the prosecution sought the right to incarcerate the respondent beyond age 17.

Since jury trials are generally longer proceedings than court trials (in which the judge presides without a jury), SPD could incur increased costs for additional hours spent by private attorneys appointed in some of these cases. However, the availability of a jury trial may in some cases facilitate negotiations to resolve some cases more quickly. Thus, the precise fiscal effect is indeterminate, depending to a large extent on the practices that prosecutors and defense attorneys would adopt in individual cases.

Long-Range Fiscal Implications