



## Fiscal Estimate Narratives

SPD 5/22/2006

LRB Number	<b>05-4383/1</b>	Introduction Number	<b>AB-1220</b>	Estimate Type	<b>Original</b>
<b>Description</b> The prohibition against making, reproducing, or possessing visual representations of a person nude without the person's consent					

### 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.

This bill would neither create a new criminal offense nor change the potential imprisonment. However, it would affect some of the procedural aspects of certain felony cases by 1) making defendants subject to registration as sex offenders; and 2) providing a mechanism to have conviction records exonerated in some cases. These issues are increasingly important in criminal cases because of the public access to court records (e.g., through computerized searches) and to the sex offender registry. Thus, it is possible that extra attorney time (and therefore, additional cost to the SPD) could result from this bill.

An increase in the attorney time necessary to provide representation would also affect county budgets because in some cases, when the defendant's income exceeds the SPD financial guidelines, the court appoints an attorney to comply with constitutional requirements.

Since July 2004, the SPD has appointed attorneys in 12 cases under the statute in question, section 942.09, Stats. Thus, under current charging practices, it does not appear that the fiscal impact would be substantial.

### Long-Range Fiscal Implications