

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number 07-0525/1</b>		<b>Introduction Number AB-0092</b>	
<b>Description</b> Battery occurring during a riot and providing a penalty			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriations			
<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs			
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory			
<b>5. Types of Local Government Units Affected</b> <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			
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<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			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
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## Fiscal Estimate Narratives

SPD 2/22/2007

LRB Number	07-0525/1	Introduction Number	AB-0092	Estimate Type	Original
<b>Description</b> Battery occurring during a riot and providing a 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 proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

Although this bill does not create a new criminal offense, it would create a mandatory minimum sentence of three years in prison for certain offenses (and require that the imprisonment be served consecutively to all other sentences that the defendant is already serving). The bill would likely result in an unusually-high percentage of jury trials when the prosecution seeks to impose this mandatory consecutive imprisonment. Factors making trials likely are the mandatory penalty and the likelihood that witnesses to fights will have conflicting recollections of the events. The cases are also likely to require the attendance in court of numerous inmates and correctional officers as witnesses to the events in question.

The SPD does not have the data to predict the increased costs that are likely to result from the changes proposed in this bill. However, if the bill is enacted, SPD would be able to track in the future the number of cases in which the prosecution seeks this enhanced penalty.

Counties are also subject to increased costs when a new crime is created or when penalties are increased. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Since the offenses in question by definition involve defendants in custody, the vast majority of defendants will be unemployed and likely to qualify. However, because SPD eligibility also considers spousal income and family assets, there will be some cases in which defendants exceed SPD guidelines and thus seek court-appointed attorneys. Counties will also likely incur increased costs connected to jury trials, such as fees for jurors, witnesses, and bailiffs.

### Long-Range Fiscal Implications