

Fiscal Estimate Narratives

SPD 8/6/2007

LRB Number	07-0414/2	Introduction Number	SB-247	Estimate Type	Original
Description Sexual contact with a corpse and disturbing a burial site					

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.

Because this bill creates new felony offenses, it would increase SPD costs. The average SPD cost to provide representation in a felony case is \$545.60 (for felony classes D-I, based upon 2006 data). We do not know how many cases would be brought under the proposed new criminal law, but we could track the number of cases in the future (after the law takes effect).

Counties are also subject to increased costs when a new crime is created. 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. The counties also incur costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications