

### Fiscal Estimate - 2007 Session

Original       Updated       Corrected       Supplemental

LRB Number **07-0778/1**      Introduction Number **SB-319**

**Description**  
Providing the jury in civil actions with an explanation regarding the results of their findings

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
  - Increase Existing Revenues
  - Decrease Existing Revenues
  - Increase Costs - May be possible to absorb within agency's budget
    - Yes
    - No
  - Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
  - 1.  Increase Costs
  - Permissive  Mandatory
  - 2.  Decrease Costs
  - Permissive  Mandatory
  - 3.  Increase Revenue
  - Permissive  Mandatory
  - 4.  Decrease Revenue
  - Permissive  Mandatory
  - 5. Types of Local Government Units Affected
    - Towns
    - Counties
    - School Districts
    - Village
    - Others
    - WTCS Districts
    - Cities

**Fund Sources Affected**      **Affected Ch. 20 Appropriations**  
 GPR    FED    PRO    PRS    SEG    SEGS

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## Fiscal Estimate Narratives

SPD 11/13/2007

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<b>Description</b> Providing the jury in civil actions with an explanation regarding the results of their findings					

### 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.

This bill does not provide for a new criminal offense or change penalties in criminal cases. It also does not change the categories of cases in which the SPD provides representation. Therefore, the SPD does not anticipate any increase or decrease in its caseload as a result of this proposal.

The bill requires the court in civil cases to provide the jury with an explanation regarding the effect of its possible findings. The bill also allows the attorneys to comment upon the court's explanation (presumably these comments would be in the jury's presence, although the bill is not clear in that regard). The SPD does provide representation, per statutory and constitutional provisions, in limited categories of civil cases, most notably civil commitment proceedings and proceedings involving petitions to terminate parental rights.

This bill could affect the complexity of these proceedings and, therefore, the cost of attorney representation. For example, in a commitment case, one or both parties may suggest the specific information that the court should provide regarding the treatment that the respondent would receive if committed. In a termination-of-parental-rights case, the parties may suggest information about foster homes, adoption, and/or continued relationships with relatives of the child(ren). The SPD cannot estimate the potential costs that could arise due to additional time per case, although in the future we could compare the average time per case to the present averages.

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. Thus, the possibility of additional attorney time per case could add to county costs in the types of civil cases discussed above in which the court appoints an attorney.

### Long-Range Fiscal Implications