

Fiscal Estimate Narratives

SPD 3/5/2008

LRB Number	07-2939/2	Introduction Number	SB-542	Estimate Type	Original
Description Public disclosure of certain information when abuse or neglect results in a child dying or being placed in serious or critical condition or when a child under 13 years of age has been the victim of sexual assault					

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 create a new criminal offense or change the penalties for any crime. It makes public disclosure mandatory of information related to allegations of child abuse or neglect resulting in death or near death. The bill does not require disclosure when the right to a fair trial would be impaired, and the SPD assumes for this estimate that the agencies in question would not publicly disclose information when the information might result in unnecessary pretrial publicity before a criminal case was completed. Thus, the bill is unlikely to have any direct fiscal effect on the SPD.

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. Because this bill does not create a new criminal offense or change the penalties for any crime, it will not result in additional cases appointed to counsel at county expense.

Long-Range Fiscal Implications