## Fiscal Estimate - 2007 Session

☑ Original ☐ Upda	ated Corrected	Supplemental		
LRB Number 07-2939/2	Introduction Number	SB-542		
<b>Description</b> Public disclosure of certain information viscious or critical condition or when a ch	when abuse or neglect results in a child dying a child under 13 years of age has been the victim	or being placed in of sexual assault		
Fiscal Effect				
State:  No State Fiscal Effect Indeterminate Increase Existing Appropriations Decrease Existing Appropriations Create New Appropriations		ts - May be possible nin agency's budget No sts		
Local:  No Local Government Costs Indeterminate  1. Increase Costs Permissive Mandatory 2. Decrease Costs 4. Permissive Mandatory	Permissive Mandatory Counties	al Jnits Affected Village Cities Others WTCS Districts		
Fund Sources Affected	Affected Ch. 20 Ap	opropriations		
☐ GPR ☐ FED ☐ PRO ☐ PR	RS SEG SEGS			
Agency/Prepared By	Authorized Signature	Date		
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## Fiscal Estimate Narratives SPD 3/5/2008

LRB Number	07-2939/2	Introduction Number	SB-542	Estimate Type	Original	
<b>Description</b> 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