

Fiscal Estimate Narratives

SPD 8/15/2009

LRB Number	09-1603/1	Introduction Number	AB-0351	Estimate Type	Original
Description The duty to stop at the scene of, and to report, a motor vehicle accident					

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 has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill expands the scope of a criminal traffic offense for failure to stop at the scene of certain traffic accidents (the bill similarly expands the scope of some non-criminal traffic offenses related to the driver's duty after certain accidents). The criminal offenses are misdemeanors or felonies depending upon the alleged circumstances of the incident. The SPD's average cost to provide representation in a misdemeanor case is \$217.54, calculated on the basis of the SPD's average cost per case in fiscal year 2008. The SPD's average cost per felony was \$544.58.

The SPD has no data to predict the number of additional cases that would result from the change proposed in this bill.

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 counties would experience increased costs attributable to additional criminal charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications