

Fiscal Estimate Narratives

SPD 3/10/2009

LRB Number 09-0266/1	Introduction Number SB-100	Estimate Type Original
Description Appellate procedure		

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 does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would amend and clarify the rules of appellate procedure regarding preservation of the right to appeal certain issues decided by the circuit court, as exceptions to the general rule that a guilty plea or similar resolution of a case waives the right to appeal from rulings on motions. Although the changes could affect the procedures followed in an individual case, it does not appear that the bill would affect the number of trial proceedings or post-conviction proceedings in which the SPD would appoint counsel. Further, it appears that any attorney additional time that might result in some cases might be offset by decreased attorney time spent in other cases. Therefore, the SPD does not anticipate any significant increase or decrease in its workload as a result of this proposal.

Long-Range Fiscal Implications