

Fiscal Estimate Narratives

SPD 4/24/2009

LRB Number	09-2424/1	Introduction Number	SB-174	Estimate Type	Original
Description Creating a microstamping requirement for certain handguns, certification of compliance with the microstamping requirement, requiring the exercise of rule-making authority, and providing penalties					

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 would create new criminal misdemeanor offenses for violations of the bill's provisions regarding microstamping of specified firearms. In fiscal year 2008, the SPD's average cost per misdemeanor case was \$217.54.

The SPD does not have data available to estimate the number of cases in which the new misdemeanor offenses will be charged. SPD could track the number of cases under the new provisions after they take effect.

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 may experience increased costs attributable to additional misdemeanor cases. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications