



## Fiscal Estimate Narratives

DOJ 11/5/2009

LRB Number	09-3343/1	Introduction Number	SB-330	Estimate Type	Original
<b>Description</b> Exposure to a minor and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under s. 948.10 (1) whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is guilty of a Class A misdemeanor. Under 2009 Senate Bill 330, an adult who, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is guilty a Class I felony. In addition, under 2009 Senate Bill 330 a child who, for purposes of sexual arousal or sexual gratification, causes another child to expose genitals or pubic area or exposes genitals or pubic area to another child is still guilty of a Class A misdemeanor, but is required to provide a biological specimen to the state crime lab for DNA analysis.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since SB 330 will increase the types of activities that can be prosecuted as a felony, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increase in caseload would be relatively small. However, if the increase in the number of cases is larger than anticipated, the department will need additional resources.

### Long-Range Fiscal Implications