Fiscal Estimate - 2013 Session

Original Dpdat	ed Corrected S	Supplemental				
LRB Number 13-2511/1	Introduction Number AB	-0273				
Description Obtaining a search warrant for certain civil violations						
Fiscal Effect						
State: No State Fiscal Effect Indeterminate Increase Existing Appropriations Decrease Existing Appropriations Create New Appropriations	Increase Existing Revenues Decrease Existing Revenues Decrease Costs - Increase Costs					
Permissive Mandatory	Decrease Revenue	Affected Village 🔲 Cities Others WTCS Districts				
Fund Sources Affected Affected Ch. 20 Appropriations GPR FED PRO PRS SEG SEGS 20.550						
Agency/Prepared By	Authorized Signature	Date				
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Fiscal Estimate Narratives SPD 8/13/2013

LRB Number 13-2511/1	Introduction Number	AB-0273	Estimate Type	Original		
Description						
Obtaining a search warrant for certain civil violations						

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 significant 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 allows a court, upon finding of probable cause, to authorize a search warrant that allows a law enforcement officer to search and seize anything that is the fruit of, or has been used in, the commission of a crime or of a civil violation of the prohibitions against driving while under the influence.

The SPD does not provide representation for civil offenses, which relates to first offense OWI convictions so costs associated with this bill would be minimal to the SPD.

Currently, a search warrant is required for OWI related blood draws, which are defined as a type of "search and seizure" (Missouri vs. McNeely).

Counties and cities are also subject to increased court costs to issue the search warrant and law enforcement officers to complete the search and seizure of potential evidence.

Long-Range Fiscal Implications