

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-4160/1	Introduction Number AB-0776
Description Child abuse investigations when a court suspects a person of permitting, allowing, or encouraging a child to engage in prostitution and consent decrees or deferred prosecution agreements for such a child	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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Date	
2/24/2014	

Fiscal Estimate Narratives

SPD 2/24/2014

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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 and certain commitment 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 permits a court, in lieu of convicting a child for prostitution, to enter into a consent decree or a deferred prosecution agreement placing the child under supervision and requiring the child to comply with the conditions of the decree or agreement, if the court determines that the best interests of the child would be served and society would not be harmed by entering into the decree or agreement. The bill also provides that in a case which the court enters into a consent decree or a deferred prosecution agreement in lieu of convicting a child for prostitution, if the court has reason to suspect that any person has permitted, allowed, or encouraged the child to engage in prostitution, the court must report that suspicion under the child abuse reporting law and the agency receiving that report must immediately evaluate the report to determine whether there is reason to suspect that any person has permitted, allowed, or encouraged the child to engage in prostitution and, if so, must, within 24 hours after receiving the report, initiate an investigation to determine if the child is in need of protection or services.

Since the provisions in this bill create no new penalties, the SPD is unlikely to see a significant impact on the the number of cases in which it provides representation. We are unable to quantify the number of new cases that might occur due to the provisions in the bill.

This bill could have a fiscal impact on counties. 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. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications