

Fiscal Estimate Narratives

SPD 3/27/2013

LRB Number	13-0624/1	Introduction Number	SB-078	Estimate Type	Original
Description Trafficking food stamp program benefits					

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 creates a new offense of trafficking Supplemental Nutrition Assistance Program (SNAP) benefits to the list of SNAP offenses that are subject to penalties under the current law. In addition, the bill defines six possible trafficking offenses.

This bill would increase the circumstances under which criminal charges could be filed, which could result in additional cases in which the SPD appoints counsel; however that increase cannot be quantified.

Penalties for violations of these provisions range from a misdemeanor to a felony and are determined by the value of the food coupons.

In Fiscal Year 2012, the average cost to appoint a private bar attorney to a felony case was \$576.73, and a misdemeanor case was \$237.02. In FY12, the SPD represented defendants charged in fourteen (14) felony counts and nine (9) misdemeanor counts under sec. 49.795(8) of the Wisconsin Statutes.

Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from the provisions of this bill.

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 would experience increased costs attributable to the higher classification of criminal charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications