

Fiscal Estimate Narratives

SPD 5/15/2015

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|--|-----------|---------------------|---------|---------------|----------|
| LRB Number | 15-1437/2 | Introduction Number | AB-0180 | Estimate Type | Original |
| Description Considering post-traumatic stress disorder as a mitigating factor in sentencing certain criminal offenders | | | | | |

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 critical 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.

Under current law, when a court makes a sentencing decision concerning a person convicted of a criminal offense, the court must consider the protection of the public, the gravity of the offense, the rehabilitative needs of the defendant, and any applicable mitigating factors or aggravating factors to the crime. This bill allows a court to make a sentencing decision concerning a person who is a military veteran and has been diagnosed as suffering from post-traumatic stress disorder resulting from the person's military service as a mitigating factor.

Any bill that has the potential to reduce the length of cases and costs for providing legal representation. This bill could have a fiscal impact for the SPD, but that cannot be quantified. It will largely be driven by how many individuals during sentencing are military veterans with a diagnosis of post-traumatic stress disorder.

Counties could experience reduced incarceration costs in the event individuals are sentenced to less lengthy sentences based on this mitigating factor.

Long-Range Fiscal Implications