

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number 15-2439/1		Introduction Number AB-0259
Description Competency determination hearings and commitment		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect		
<input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs
Local:		
<input type="checkbox"/> No Local Government Costs		
<input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
Fund Sources Affected		Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 6/11/2015

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Description Competency determination hearings and commitment					

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.

If, at a competency hearing, the court determines that the defendant is not competent but is likely to become competent within the shorter of 12 months or the maximum sentence for the most serious offense with which he or she is charged, the court must commit the defendant for treatment for the shorter of 12 months or the maximum sentence for the most serious offense with which he or she is charged. Under this bill, if a court at a competency hearing determines that the defendant is not competent but is likely to become competent and the defendant was charged with a serious felony or a serious child sex offense, the court must commit the defendant for treatment until the defendant becomes competent or for the duration of the maximum sentence for the most serious offense with which he or she is charged, whichever is shorter.

The SPD would continue to represent the individual at the periodic competency review hearings provided for in the bill. It is difficult to quantify the number of individuals who may be affected by the bill and for how long they may be committed with periodic hearings.

Long-Range Fiscal Implications