

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-2172/1	Introduction Number AB-0309
Description Limiting the number of annual revocations of extended supervision and parole for violations that are not a crime	

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

Local:

No Local Government Costs
 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 checked="" 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	

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Fiscal Estimate Narratives

SPD 8/25/2015

LRB Number	15-2172/1	Introduction Number	AB-0309	Estimate Type	Original
Description Limiting the number of annual revocations of extended supervision and parole for violations that are not a crime					

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 this bill, the Department of Corrections, the Parole Commission, and the Division of Hearings and Appeals may order no more than 3,000 revocations and returns to prison annually for violations of conditions of parole or extended supervision that are not charged as new crimes.

To determine if this bill has a fiscal impact on the SPD, we would need to be able to determine whether or not the bill would result in a change in criminal charging practices or an increase or decrease of cases where an additional charge resulted in a new case that might result in a change in costs. Based on the information available, it is not possible to determine what effect, if any, this bill would have on SPDs caseloads. The SPD's average cost to provide representation with a private bar attorney in a revocation case in FY 2015 was \$354.69. If new criminal charges occur, the SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$286.57 and \$626.19 in a felony case in FY 2015. Therefore, it is not possible to determine what fiscal impact this bill would have on the SPD.

This bill could also have a fiscal impact on counties though both an increase and decrease in specific costs. 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