

Fiscal Estimate Narratives

SPD 10/7/2015

LRB Number	15-2746/1	Introduction Number	AB-0375	Estimate Type	Original
Description Right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

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, a juvenile who is alleged to be delinquent, and the parent, guardian, legal custodian, or Indian custodian of that juvenile, do not have the right to a trial by jury in a proceeding under the Juvenile Justice Code. This bill grants that right to such a juvenile, and to his or her parent, guardian, legal custodian, or Indian custodian, if the person filing the delinquency petition reserves the right to recommend placement of the juvenile in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of 17 years.

It is possible that given the new criminal charges, the SPD will see an increase in the complexity and length of cases in which it provides representation. We are unable, however, to quantify the fiscal impact that might occur due to the provisions in the bill.

This bill could also 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