

Fiscal Estimate Narratives

SPD 11/27/2015

LRB Number	15-2947/1	Introduction Number	SB-309	Estimate Type	Original
Description Use of the reasonable and prudent parent standard for making decisions concerning the participation of a child placed in out-of-home care in age or developmentally appropriate activities, permanency planning for a child 14 years of age or over, providing an exemption from emergency rule procedures, and granting rule-making authority					

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.

Congress recently enacted the "Preventing Sex Trafficking and Strengthening Families Act", which made certain changes to Title IV-E of the Social Security Act. This bill incorporates those changes into the Children's Code and the Juvenile Justice Code.

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