



## Fiscal Estimate Narratives

SPD 2/18/2016

LRB Number	15-0029/1	Introduction Number	SB-677	Estimate Type	Original
<b>Description</b> Creating a Uniform Collateral Consequences of Conviction Act 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.

This bill addresses the issue of collateral consequences to a conviction or finding of delinquency. The bill defines a collateral consequence as a disqualification or a penalty, disability, or disadvantage imposed by operation of law that a person suffers as a result of being convicted of, or found delinquent for, an offense. A collateral consequence does not include imprisonment, probation, imposition of fine, assessment, or forfeiture, or costs of prosecution.

The fiscal impact to the SPD is not easily quantifiable. It could result in a slight decrease in costs if the bill results in lower rates of supervision or recidivism.

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