

Fiscal Estimate - 2017 Session

Original Updated Corrected Supplemental

LRB Number **17-4672/1** Introduction Number **AB-0642**

Description
pretrial detention and denial and revocation of release

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
 - Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**
 GPR FED PRO PRS SEG SEGS

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Fiscal Estimate Narratives

DOC 11/28/2017

LRB Number	17-4672/1	Introduction Number	AB-0642	Estimate Type	Original
Description pretrial detention and denial and revocation of release					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a court may deny pretrial release from custody to persons accused of first-degree intentional homicide, first-degree sexual assault, and sexual assault of a child or to persons accused of committing or attempting to commit a violent crime if the person had been previously convicted of committing or attempting to commit a violent crime. "Violent crime" is defined to include first-degree and second-degree intentional and reckless homicide, felony murder, aggravated battery, mayhem, first-degree sexual assault, and child abuse. Under this bill, the definition of "violent crime" for this purpose would be expanded to include taking hostages, kidnapping, arson, second-degree sexual assault, carjacking, robbery, abuse of individuals at risk under circumstances that cause death, child abduction, homicide by intoxicated use of a firearm or vehicle, strangulation and suffocation, and aggravated burglary.

Under current law, a court may revoke the release of a person who has been charged with a serious crime and released on bail if the person violates the conditions of the release and the alleged violation is also a serious crime. Under this bill, the court may revoke the release of the person if the alleged violation is any crime.

The DOC is not responsible for the pre-trial custody, nor its costs, of people charged with crimes. Nor does DOC provide equipment to counties for pre-trial "bail monitoring". Thus, this bill has no impact on the DOC.

Local jails are responsible for the pre-trial custody, and costs, of people charged with crimes. This bill gives judges more authority to deny pretrial release from custody for people who are charged with a violent crime and have previously been convicted of a violent crime, due to the bill's proposed expansion of the definition of "violent crime" for this purpose. This bill also expands judges' ability to revoke bail for people charged with serious crimes if they are alleged to have committed any new crime (as opposed to only if they are alleged to have committed a new serious crime) while released on bail. As a result, this bill will likely result in an indeterminate increase in the jail population, and thus costs for local jails are likely to increase an indeterminate amount. Because Wisconsin does not have a central data repository for collecting and analyzing data regarding the jail population, DOC is not able to more precisely estimate the local fiscal effect of this bill.

Long-Range Fiscal Implications