

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

|                                    |  |
|------------------------------------|--|
| <b>LRB Number</b> <b>17-2337/2</b> | <b>Introduction Number</b> <b>SB-408</b> |
|------------------------------------|--|

**Description**  
 furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm, mandatory minimum sentences for individuals who commit certain firearm violations, and providing criminal penalties

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

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

**Local:**

No Local Government Costs  
 Indeterminate

|  |  |  |
|--|--|--|
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>4. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <b>5. Types of Local Government Units Affected</b><br><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities<br><input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

|  |                                       |
|--|---------------------------------------|
| <b>Fund Sources Affected</b>   | <b>Affected Ch. 20 Appropriations</b> |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS |                                       |

|  |  |                          |
|--|--|--------------------------|
| <b>Agency/Prepared By</b><br>SPD/ Martina Allen (608) 267-7734 | <b>Authorized Signature</b><br>Adam Plotkin (608) 264-8572 | <b>Date</b><br>11/3/2017 |
|--|--|--------------------------|

## Fiscal Estimate Narratives

SPD 11/3/2017

|   |           |                     |        |               |          |
|---|-----------|---------------------|--------|---------------|----------|
| LRB Number  | 17-2337/2 | Introduction Number | SB-408 | Estimate Type | Original |
| <b>Description</b><br>furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm, mandatory minimum sentences for individuals who commit certain firearm violations, and providing criminal penalties |           |                     |        |               |          |

### 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 creates a crime for purchasing a firearm with the intent to transfer it to a person who is prohibited from possessing a firearm, which is also known as "straw purchasing." Under current law, a person who knowingly furnishes with a firearm a person who is prohibited from possessing a firearm may be convicted of illegal possession of a firearm. Current law also provides a penalty if a person provides false information on the form required to be completed so the dealer can conduct a background check. This bill increases the penalty, to a Class H felony, for providing false information on that form if that false information regards whether the person is purchasing the firearm with the purpose or intent of transferring the firearm to a person who is prohibited from possessing a firearm. This bill authorizes the Department of Justice to prosecute the violation. Under this bill, a person is subject to a mandatory minimum period of confinement in prison of four years if the person is convicted of illegally possessing a firearm or convicted of another crime involving a firearm and, within five years prior to that conviction, he or she had been convicted of committing either three misdemeanors or one felony. This mandatory minimum sentence requirement expires on July 1, 2022.

It is possible that given the new criminal penalties, the SPD will see an increase in the number of cases in which it provides representation for the felony penalty. SPD is unable, however, to quantify the increase in costs that might occur due to the provisions in the bill and how many people would meet the eligibility requirements for SPD services. The SPD's average cost to provide representation with a private bar attorney in a felony case was \$512.17 in fiscal year 2016. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of 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