

### Fiscal Estimate - 2017 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> <b>17-1344/1</b>	<b>Introduction Number</b> <b>SB-043</b>														
<b>Description</b> material misstatements on applications for certain credentials and providing a criminal penalty															
<b>Fiscal Effect</b>															
<p><b>State:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations         </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues         </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                                            <input type="checkbox"/> Yes                   <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs         </td> </tr> </table> <p><b>Local:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate         </td> <td style="width: 33%; vertical-align: top;"> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. <input type="checkbox"/> Increase Costs</td> <td style="width: 50%;">3. <input type="checkbox"/> Increase Revenue</td> </tr> <tr> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> </tr> <tr> <td style="width: 50%;">2. <input type="checkbox"/> Decrease Costs</td> <td style="width: 50%;">4. <input type="checkbox"/> Decrease Revenue</td> </tr> <tr> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> </tr> </table> </td> <td style="width: 33%; vertical-align: top;"> <p><b>5. Types of Local Government Units Affected</b></p> <input type="checkbox"/> Towns           <input type="checkbox"/> Village           <input type="checkbox"/> Cities  <input type="checkbox"/> Counties       <input type="checkbox"/> Others  <input type="checkbox"/> School Districts   <input type="checkbox"/> WTCS Districts         </td> </tr> </table>		<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1. <input type="checkbox"/> Increase Costs</td> <td style="width: 50%;">3. <input type="checkbox"/> Increase Revenue</td> </tr> <tr> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> </tr> <tr> <td style="width: 50%;">2. <input type="checkbox"/> Decrease Costs</td> <td style="width: 50%;">4. <input type="checkbox"/> Decrease Revenue</td> </tr> <tr> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> <td style="width: 50%; border-bottom: 1px dotted black;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</td> </tr> </table>	1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<p><b>5. Types of Local Government Units Affected</b></p> <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Agency/Prepared By</b> SPD/ Martina Allen (608) 267-7734	<b>Authorized Signature</b> Adam Plotkin (608) 264-8572	<b>Date</b> 3/4/2017													

## Fiscal Estimate Narratives

SPD 3/4/2017

LRB Number	17-1344/1	Introduction Number	SB-043	Estimate Type	Original
<b>Description</b> material misstatements on applications for certain credentials and providing a criminal penalty					

### 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 the bill, any person who intentionally makes a material misstatement or omission or who submits falsified documentation in an application for a credential or for the renewal of a credential issued by the Department of Safety and Professional Services or an attached credentialing board is guilty of a Class A misdemeanor, for which the penalty is a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

It is possible that, given the new criminal charges, the SPD will see an increase in the number of cases in which it provides representation. We are unable, however, to quantify the number of cases that might occur due to the provisions in the bill. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$242.06 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.

Because probation or prison could be ordered upon conviction for the proposed crime, this change could indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill could increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2016 for SPD representation by a private bar attorney in a revocation proceeding was \$286.98.

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