



## Fiscal Estimate Narratives

SPD 2/14/2020

|   |           |                     |        |               |          |
|---|-----------|---------------------|--------|---------------|----------|
| LRB Number  | 19-5506/1 | Introduction Number | SB-769 | Estimate Type | Original |
| <b>Description</b><br>theft of a vehicle; victim impact panels; increased penalties for reckless driving; increased penalties for fleeing an officer; and providing a 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.

This bill increases the penalties for vehicle theft, reckless driving, and fleeing an officer. The bill increases the penalties for vehicle theft by one felony classification and imposes a 30-day mandatory minimum term of incarceration for the vehicle theft. Under the bill, the penalty for reckless driving that causes great bodily harm to another is increased from a Class I felony to a Class H felony. Also, under the bill:

1. The penalty for fleeing an officer is increased from a Class I felony to a Class H felony.
2. The penalty for fleeing an officer and causing bodily harm to another or damage to the property of another is increased from a Class H felony to a Class G felony.
3. The penalty for fleeing an officer and causing great bodily harm to another is increased from a Class F felony to a Class E felony.
4. The penalty for fleeing an officer and causing death to another is increased from a Class E felony to a Class D felony.

It is possible that given the increased penalties, 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 increase in costs 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 felony case was \$540.67 in fiscal year 2018.

This bill could also have a fiscal impact on the 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. Thus, the counties would experience increased costs attributable to the higher penalties for these charges resulting from this bill.

### Long-Range Fiscal Implications