

LRB or Bill No./Adm. Rule No.
LRB 99-4446/1
SB 357

Amendment No. if Applicable

X ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/96)

Subject
Budget adjustment bill

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

X Increase Costs - May be possible to Absorb Within Agency's Budget Yes X No

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive Mandatory
- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory
- 4. Decrease Revenues
 - Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

X GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

ss. 20.550 (1)(b), (c), (d), Stats.

Assumptions Used in Arriving at Fiscal Estimate

This bill, among other things, makes various changes to the criminal code. The following specific provisions related to the criminal code would increase costs to the State Public Defender's Office (SPD): 1) changing certain crimes from misdemeanors to felonies; 2) having the court determine the length of time an offender will serve in prison after revocation of the offender's extended supervision; and 3) permitting certain older prisoners to petition the court for a modification of his or her bifurcated sentence. Also, the addition of 20.75 assistant district attorneys in this bill would increase the SPD's costs.

First, the bill changes the crimes of stalking, criminal damage to railroad property, possession of a firearm in a school and discharge of a firearm in a school from misdemeanors to felonies. This will increase costs to the SPD because felony cases are more expensive than misdemeanor cases.

Next, having the court determine the length of time an offender will serve in prison after revocation of the offender's extended supervision will increase costs to the SPD because an attorney will have to appear in court for this determination. (Under current law, the court does not determine the length of time an offender will serve in prison after revocation of his or her parole. Rather, the administrative law judge determines the length of time the offender will serve in prison after revocation of the offender's parole.)

Permitting certain older prisoners to petition the court for a modification of his or her bifurcated sentence will increase costs to the SPD because the SPD will represent such prisoners. These will be new cases for the agency. Because a prisoner cannot file such a petition until he or she has served at least 5 or 10 years of his or her sentence (depending on the prisoner's age), the costs of this provision will not affect the SPD until at least 5 years from the time that this provision would go into effect.

Also, it is unclear from this bill whether the agency would represent persons who seek to modify their bifurcated sentences by way of the Director of State Courts' rules. If so, then the SPD would handle these additional cases, thus further increasing costs.

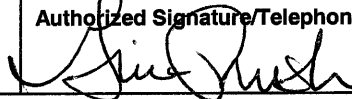
The addition of 20.75 assistant district attorney (ADA) positions would also increase the SPD's costs because studies indicate that additional ADA positions result in additional cases charged. Assuming that each new ADA caseload would result in one SPD caseload, the additional cases would cost the SPD approximately \$100,000 per year per new ADA. (The SPD had previously advised the legislature during the budget process that adding new ADAs would result in a deficit to the SPD.) Thus, enactment of this provision in the bill would increase the SPD's costs by \$2,075,000 annually.

Long-Range Fiscal Implications

Addition of 20.75 ADAs would increase costs by \$2,075,000 annually. Other provisions are indeterminate at this time and would be monitored by agency for future budget considerations.

Agency/Prepared by: (Name & Phone No.)
SPD/Gina Pruski/6-6782

Authorized Signature/Telephone No.



Date
Feb. 7, 2000

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
LRB 99-4446/1 SB 357

Amendment No.

Subject
Budget adjustment bill

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

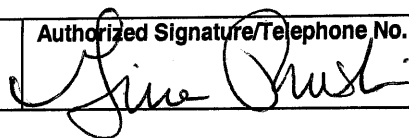
II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs (Private bar appropriation)	\$2,075,000+	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$2,075,000+	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$2,075,000+	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$2,075,000+	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

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