

FISCAL ESTIMATE

DOA-2048 N(R10/98)

X ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 237/LRB 3611/1

Amendment No. if Applicable

Subject

Recommendations of the Criminal Penalties Study Committee

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)

Assumptions Used in Arriving at Fiscal Estimate

This LRB draft incorporates the recommendations of the Criminal Penalties Study Committee. The following specific provisions included in the draft 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.

Specifically, the draft 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.

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.

It should be noted that, under truth in sentencing, the SPD expects to handle more cases involving revocation of an offender's extended supervision. That is, because the time that an offender is on extended supervision will likely be longer than the time that an offender is on parole under current law, the number of revocations will likely increase. Also, because the Criminal Penalties Study Committee has recommended that extended supervision revocation hearings be completed faster than parole revocation hearings currently are, the SPD may need additional staff, such as paralegals, to assist in preparing for these hearings. The cost of adding paralegal staff would be \$37,868 per year per paralegal (includes salary and fringe). (As comparison, the cost of adding attorney staff, including salary and fringe, would be \$50,547 per year per attorney.)

Also, the SPD expects to incur costs associated with training its staff and the SPD-certified private bar on the new law. Such training would be ongoing as sentencing guidelines are created for additional crimes or changed for the crimes for which the committee has already recommended guidelines.

Finally, the SPD may incur costs as a result of spending more time on felony cases under the new law. For instance, more time will be spent advising clients about the consequences under the new law and figuring out the sentencing guidelines.

Long-Range Fiscal Implications

Total costs per year are indeterminate at this time. Agency will monitor fiscal effect for future budget considerations.

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 Sept. 23, 1999