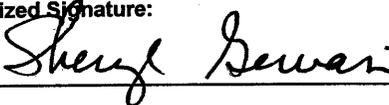


<b>1999 Session</b>		LRB Number <b>-4446/1</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		Bill Number <b>SB 357</b>
<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
<b>Subject</b>  <b>Mini-Budget Bill</b>		Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
Local: <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<b>Fund Sources Affected</b> <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b> <b>20.680(2)(a)</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  <p>Part of this bill implements the recommendations of the Criminal Penalties Study Committee which was created by 1997 Wisconsin Act 283. It reclassifies all felony offenses and some misdemeanor offenses, creates a sentencing commission to study sentencing practices and sunsets on 12/31/2004 and requires the commission to adopt advisory sentencing guidelines for use by judges for felonies committed on or after 12/31/99. The bill also requires a sentencing court to make explicit findings of fact on the record to support each element of its sentencing decision including decisions on bifurcated sentences and probation. In appeals from a court's sentencing decision, an appellate court must reverse the sentencing decision if there is not substantial evidence in the record to support the sentence. In addition, a procedure is created whereby DOC or a person with a bifurcated sentence may petition the court to modify the sentence.</p> <p>It is expected that the provision that requires a sentencing court to make findings of fact on each element of a sentence will result in more appeals, remands back to the circuit court and additional substitution requests upon remand back to the circuit court. New rights to substitution are allowed under s. 971.20(7) when a new sentencing is ordered following appeal. What the impact upon the appellate caseload as well as the circuit court is impossible to predict. The costs of the appellate courts is borne by the state while circuit court costs are borne by both the state and the county. The provision allowing petitions to modify a bifurcated sentence also has the potential of substantially increasing the circuit court caseload. The exact number of such petitions cannot be predicted with the data available. Federal funds could also be lost if the overall % between the</p> <p><small>Long-Range Fiscal Implications</small>  <b>See Narrative</b></p>		
<b>Prepared by:</b> <b>Sheryl Gervasi</b>	<b>Telephone No.</b> <b>266-6984</b>	<b>Agency</b> <b>Director of State Courts</b>
<b>Authorized Signature:</b> 	<b>Telephone No.</b>	<b>Date</b> <b>2/9/00</b>

time of confinement ordered and the time actually served is less than 85%.

It is expected that the Director of State Courts Office will incur additional costs in assisting with the development of the advisory sentencing guidelines required under this bill. The Criminal Penalties Study Committee, in preparing its report, requested from this office detailed information and analysis to compile two of the 11 crimes they established sentencing guidelines for. The analysis required two weeks of staff time. It is anticipated that the committee or the commission will also request similar information and analysis to compile guidelines on the remaining 484 crimes. It is estimated that a project position will be needed for three years to comply with those requests. Such a position would cost:

Salary	\$40,000
Fringes	12,700
Supplies	<u>1,200</u>
Total	\$53,900
One-time Costs	3,000

To complete the other nine guidelines the committee requested additional data from the Circuit Court Automation Program (CCAP). Based on the amount of additional contract programmer time that was needed it is estimated that a contract programmer would be needed for one year to finish guidelines for the remaining crimes. The cost would be approximately \$135,200 (\$65/hr.).

It should be noted that the report assumes that three non-CCAP counties will be reporting data to CCAP so that statewide data will be available. Those three counties are Outagamie, Portage and Walworth. Their information systems would have to be changed to comply with the new reporting requirements. It is expected that this would take two to three weeks of county staff time at \$50/hr. to complete the changes.

It should also be noted that with respect to the circuit courts the sentencing form that must be filled out by the court at the disposition of the case is longer than the previous form that was used several years ago. It is presumed for purposes of this fiscal note that most of the data required on the form would be supplied by the presentence investigators.

### **Long-Range Fiscal Implications**

In light of the fact that the Criminal Penalties Study Committee states that CCAP for many years will be the primary source of sentencing information for the courts and that the sentencing commission reports should have a different substantive theme each year it is expected that additional demands will be made on CCAP that are not included in this estimate. These requests could include such things as graphic output reports on data relating to sentence lengths, by geographical area, race or crime class and information on pled and proved penalty enhancers. Although it is impossible to predict the specifics of what additional resources CCAP will need until the new sentencing commission is functional, it is anticipated that CCAP will not be able to provide it with additional reports or data while operating from its current funding and staffing base. Nor is it possible to estimate how long it will take or what additional resources will be required to link with other criminal justice informational systems that would facilitate such things as a common defendant identification number. Such a linkage is several years in the future.

**FISCAL ESTIMATE WORKSHEET**

**1999 Session**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R06/99)

LRB Number - 4446/1	Amendment No. if Applicable
Bill Number SB 357	Administrative Rule Number

ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Mini-Budget Bill**

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

State -- \$138,200 GPR      County -- \$12,000-\$18,000

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$ 52,700	\$ -
(FTE Position Changes)		(1 FTE)	(- FTE)
State Operations Cost - Other Costs		1,200	-
Local Assistance			-
Aids to Individuals or Organizations			-
<b>TOTAL State Costs by Category</b>		<b>\$ 53,900</b>	<b>\$ -</b>
<b>B. State Costs by Source of Funds</b>			<b>Decreased Costs</b>
GPR		53,900	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>State Revenues</b>	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
<b>TOTAL State Revenues</b>		<b>\$</b>	<b>\$ -</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ _____ + indeter.	\$ _____ + indeter.
NET CHANGE IN REVENUES	\$ _____	\$ _____

Prepared by: Sheryl Gervasil	Telephone No. 608-266-6984	Agency Director of State Courts
Authorized Signature: <i>Sheryl Gervasil</i>	Telephone No.	Date 2/9/00