

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number - 1428/2	Amendment Number if Applicable
Bill Number AB 3	Administrative Rule Number

Subject

Criminal Penalties Study Committee legislative change to the criminal statutes.

Fiscal Effect

State: No State Fiscal Effect

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

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

Increase Costs — May be possible to absorb within agency's budget.

- Yes No

Decrease Costs

Local: No Local Government Costs

- | | |
|--|---|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs
<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:

- Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Department of Justice

Criminal Appeals: The department anticipates heavy appellate litigation of the statutes and administrative rules that will implement the Criminal Penalties Study Committee report. Litigation exploring the parameters of new statutory terms, testing the relationship of new statutory language to former statutes and case law, and fleshing out the operational of new statutory procedures occurs whenever major statutory changes are enacted. The department's appellate attorneys have litigated those issues extensively for Wisconsin's sex predator law, for example, which affected a much smaller number than the thousands of individuals subject to truth-in-sentencing. Additional appellate attorneys were required to handle the sex predator litigation and the department has no additional capacity to staff truth-in-sentencing litigation. In addition to litigation, the department also anticipates that substantial amounts of attorney time will be required to train local prosecutors in connection with truth-in-sentencing implementation and assist local prosecutors handling trial court truth-in-sentencing challenges.

The department believes that at least one appellate attorney will need to be added as well as one legal secretary.

Local Government

It is difficult to determine how this may affect prosecutors and the circuit court system. Those determinations are best left up to the State Courts and the State Prosecutors offices. The department does, however, anticipate that increased training conducted by DOJ will be necessary and because we have planned for this activity, we believe that the training costs can be absorbed through existing resources.

Long-Range Fiscal Implications

There may be long term fiscal effects that increase the amount of appeals and prisoner litigation but that determination is difficult to quantify at this time.

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Fiscal Estimate Worksheet — 2001 Session

Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

LRB Number 1482/2	Amendment Number if Applicable
Bill Number AB 3	Administrative Rule Number

Subject

Criminal Penalties Study Committee legislative change to the criminal statutes.

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

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations — Salaries and Fringes	\$ 116,305	\$ -
(FTE Position Changes)	(2.00 FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	\$ 116,305	\$ -
B. State Costs by Source of Funds		
GPR	\$ 116,305	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues	Increased Revenue	Decreased Revenue
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
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	\$ 116,305	\$
Net Change in Revenues	\$	\$

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