

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-0741/1		Introduction Number AB-255	
Subject 1st offense possession of marijuana			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Decrease Costs			
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns	<input type="checkbox"/> Village	<input type="checkbox"/> Cities	
<input type="checkbox"/> Counties	<input type="checkbox"/> Others		
<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts		
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 3/28/2005

LRB Number	05-0741/1	Introduction Number	AB-255	Estimate Type	Original
Subject					
1st offense possession of marijuana					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill includes provisions that would reduce the number of cases in which the SPD would appoint counsel, which would result in a decrease in SPD costs. State law currently authorizes counties and municipalities to enact civil ordinances for possession of 25 grams or less of marijuana. This bill converts certain 1st offense possession-of-marijuana offenses from misdemeanors into civil offenses statewide. Similarly, for juveniles, possession or an attempt to possess 25 grams or less of marijuana would be a civil law violation, instead of a delinquency. Criminal and delinquency penalties would still apply under specific situations, including second offenses.

Since the SPD does not provide representation in civil ordinances, this bill would reduce the number of misdemeanor cases requiring representation. It is not possible to determine the amount of case reduction due to the ability to charge misdemeanors under specific circumstances and the possibility that other criminal charges may be involved in a single incident. The SPD could track this in the future, if enacted.

Local governments could experience an increase in revenue from the civil forfeitures.

Long-Range Fiscal Implications