

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-0221/3	Introduction Number AB-62
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Subject
 Allowing a court to prohibit defendant from contacting persons during any part of defendant's sentence

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	3. <input type="checkbox"/> Increase Revenue	5.Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Indeterminate	3. <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
1. <input checked="" type="checkbox"/> Increase Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	4. <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" 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 SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572	Date 2/8/2005
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Fiscal Estimate Narratives

SPD 2/8/2005

LRB Number 05-0221/3	Introduction Number AB-62	Estimate Type Original
Subject		
Allowing a court to prohibit defendant from contacting persons during any part of defendant's sentence		

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 establishes a new criminal offense for violation of a court-imposed no-contact order during a defendant's term of confinement in prison or jail following a felony conviction. Since the bill creates a Class A misdemeanor, it would increase SPD costs. Each new case would increase SPD costs by \$238.15, the current average cost of a misdemeanor case. Although data is not currently available on the number of new cases that would result from this legislation, the SPD could track this in the future. Additional costs could be included in future budget requests.

The bill would also increase county costs for appointment of counsel under the State v. Dean decision, which makes the county responsible for these costs for defendants who exceed the SPD eligibility standards, yet are nonetheless not financially able to retain an attorney.

This bill would also have a potential impact on county jail costs from additional defendants in jail facing charges and serving sentences.

Long-Range Fiscal Implications