

### Fiscal Estimate - 2007 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>07-0341/1</b>	<b>Introduction Number</b> <b>AB-0249</b>
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**Description**  
 Conditions prior to disposition for a juvenile who is not being held in secure or nonsecure custody and providing a penalty

**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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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"/> Indeterminate	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
1. <input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
		<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</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"/> SEGS	

<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 4/17/2007
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## Fiscal Estimate Narratives

SPD 4/17/2007

LRB Number	07-0341/1	Introduction Number	AB-0249	Estimate Type	Original
<b>Description</b> Conditions prior to disposition for a juvenile who is not being held in secure or nonsecure custody and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

This bill creates a new criminal offense, which would generally be prosecuted as a delinquency allegation under chapter 938. The average FY 2006 cost to the SPD for this type of case (misdemeanor delinquency charge) was \$191.57. The bill could also lead to additional contested hearings regarding alleged non-compliance with court-ordered conditions that the bill would authorize (for example, additional detention hearings).

The SPD does not have the data to predict the increased costs that are likely to result from the changes proposed in this bill. If the bill becomes law, it would be possible in the future to track the number of SPD appointments for the new misdemeanor delinquency offense (the average cost of a juvenile case is \$191.57).

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. However, because children are eligible for SPD representation in chapter 938 proceedings without a financial evaluation, court appointments would be rare for this new offense (they could occur in cases in which a child attains age 17 or is waived into adult court). The counties also incur additional costs associated with longer detention of defendants, both in the adult and juvenile systems. Finally, counties would likely incur expenses in providing the necessary supervision to ensure the enforcement of court-ordered conditions.

### Long-Range Fiscal Implications