

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-1395/2	Introduction Number AB-0487
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Description
 The prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <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 checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts

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	Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 8/28/2007

LRB Number	07-1395/2	Introduction Number	AB-0487	Estimate Type	Original
Description The prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry					

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.

Legislation that increases potential penalties also has the potential to increase SPD costs. The increase in offense severity from misdemeanor to felony level can increase costs because felony cases, on average, require substantially more attorney time to defend. Penalty increases can also make it more likely that cases will involve a trial or a contested sentencing hearing, either of which results in additional attorney time.

This bill neither creates a new crime nor increases potential penalties. However, it could indirectly result in additional SPD costs as follows: 1) by increasing the number of persons subject to registration as a sex offender, the bill could indirectly result in additional cases for alleged violations of registration requirements; 2) by adding the potential consequence of registration as a sex offender, the bill could make the defense of cases brought under section 942.09 more complex and thus more costly to the SPD.

During fiscal years 2006 and 2007, the SPD appointed attorneys in a total of 13 cases under section 942.09. Thus, unless there is a significant increase in the number of prosecutions under this provision, the SPD does not expect that a large number of cases would be affected.

Counties are also subject to increased costs when a new crime is created or when penalties are increased. 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. The counties also incur costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications