

Fiscal Estimate Narratives

DOJ 10/19/2007

LRB Number	07-3135/1	Introduction Number	SB-261	Estimate Type	Original
Description graffiti and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Currently, persons committing graffiti face misdemeanor charges unless the value of the defaced property is reduced by more than \$2,500 because of the graffiti. In cases where the value of the property is reduced more than \$2,500 the perpetrator may be charged with a felony. Senate Bill 261 provides that persons committing graffiti resulting in property devaluation of more than \$1,000 are can be charged with a felony.

While most initial felony prosecutions are handled by local district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys under certain circumstances. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

It is possible that the enactment of Senate Bill 261 could result in an increases caseload for the department's Criminal Litigation and Criminal Appeals Units. However, the department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources.

Long-Range Fiscal Implications