

Fiscal Estimate Narratives
DOJ 2/11/2008

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| LRB Number 07-3010/1 | Introduction Number SB-278 | Estimate Type Original |
| Description Threatening or committing battery against certain employees of first class cities and providing a penalty | | |

Assumptions Used in Arriving at Fiscal Estimate

Generally, while it is a crime to intentionally cause or threaten to cause bodily harm to an employee of a first class city other than a law enforcement officer or fire fighter, the crime is not a felony. Under Senate Bill 278, if a person knowingly and intentionally causes or threatens to cause bodily harm to an employee of a first class city other than a law enforcement officer or fire fighter while the employee is acting in an official capacity, or in response to any official action by the employee, the person is guilty of a Class H felony.

Felony prosecutions are generally handled by local district attorneys. However, on occasion, district attorneys across Wisconsin request assistant attorneys general in the Department of Justice's Criminal Litigation Unit to act as special prosecutors. 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 likely that the enactment of Senate Bill 278 will result in an increased caseload for the department's Criminal Litigation and Criminal Appeals Units. However, the department is not aware of any data that would accurately predict the number of cases it would prosecute or handle on appeal in any given year under the provisions of SB 278. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

Long-Range Fiscal Implications