

Fiscal Estimate Narratives

SPD 2/14/2008

LRB Number	07-3959/1	Introduction Number	SB-468	Estimate Type	Original
Description Conditions of extended supervision, probation, and parole for persons convicted of certain sex offenses					

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.

Many jail and prison admissions result from administrative proceedings to revoke the conditional liberty of a person under the supervision of the Department of Corrections. The SPD provides representation in contested revocation proceedings when a person on probation, parole, or extended supervision faces imprisonment as a potential result of revocation. The SPD also provides representation in sentencing hearings and recommitment hearings that follow many revocation proceedings.

Although this bill does not create new criminal offenses, it would likely increase the number of revocation proceedings in which the SPD provides representation, thus increasing SPD costs. The average SPD cost to provide representation in a revocation case is \$350.85. We do not know how many additional revocation cases would be brought under the proposed new law, but it is likely that there would be some cases in which revocation proceedings would be brought for alleged violation of the alleged no-contact rules.

Because the additional revocation cases could not be commenced until the individuals had been properly ordered to comply with the proposed no-contact requirements, there would be a period of time between the law's effective date and the commencement of revocation proceedings. Thus, the SPD might not experience the full fiscal effect in the first biennium following the bill becoming law.

Counties are also subject to increased costs when a new crime is created or, as would likely occur under this proposal, when additional revocation proceedings occur. 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 revocation proceedings and after revocation has occurred.

Long-Range Fiscal Implications