

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-2618/1	Introduction Number AB-0405
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Description
 Penalty for first-degree intentional homicide if victim is a law enforcement officer and providing a penalty

Fiscal Effect

State:

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

Local:

- | | | |
|--|--|--|
| <input type="checkbox"/> No Local Government Costs
<input type="checkbox"/> Indeterminate
1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease 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 type="checkbox"/> Counties <input type="checkbox"/> Others
<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
SPD/ Mike Tobin (608) 266-8259	Krista Ginger (608) 264-8572	6/19/2007

Fiscal Estimate Narratives

SPD 6/20/2007

LRB Number	07-2618/1	Introduction Number	AB-0405	Estimate Type	Original
Description					
Penalty for first-degree intentional homicide if victim is a law enforcement officer 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.

Although this bill does not create a new criminal offense, it would eliminate the possibility of release on extended supervision for defendants convicted of first-degree intentional homicide of a law enforcement officer. The proposed changes could result in additional trials because it would eliminate a possible subject of plea negotiations (a recommendation for an eligibility date for release on extended supervision). However, because the SPD does not anticipate a substantial number of cases charged annually under this statute, we do not expect a large fiscal effect. Also, under current law, a case involving a charge of first-degree intentional homicide of a law enforcement officer is generally not the type of case in which a prosecutor is likely to recommend eligibility for extended supervision.

The SPD does not have the data to predict the increased costs that could result from the changes proposed in this bill. During the last fiscal year, the SPD is aware of only one case involving a charge that would be affected by this bill.

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. Thus, the possibility of additional trials and could add to county costs in cases in which the court appoints the defense attorney. The counties could also incur additional costs associated with longer incarceration of defendants pending trial. However, for the same reasons explained above regarding the likely effect on SPD costs, the annual number of additional trials is not likely to be substantial.

Long-Range Fiscal Implications