

Fiscal Estimate - 2007 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 07-3747/1	Introduction Number AB-0791
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Description
 Internet access restrictions on certain sex offenders, information provided by a person required to register as a sex offender, providing a penalty, and making an appropriation

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory
- 3. Increase Revenue
 - Permissive
 - Mandatory
- 4. Decrease Revenue
 - Permissive
 - Mandatory
- 5. Types of Local Government Units Affected
 - Towns
 - Villages
 - Cities
 - Counties
 - Others
 - School Districts
 - WTCS Districts

Fund Sources Affected

Affected Ch. 20 Appropriations

GPR
 FED
 PRO
 PRS
 SEG
 SEGS

Agency/Prepared By

Authorized Signature

Date

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2/18/2008

Fiscal Estimate Narratives

SPD 2/18/2008

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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.

Because this bill creates a new misdemeanor offense, it would increase SPD costs. The average SPD cost to provide representation in a misdemeanor case is \$224.78, based on data from FY 2007. We do not know how many cases would be brought under the proposed new criminal law, but we could track the number of cases in the future (after the law takes effect).

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 reconfinement hearings that follow many revocation proceedings.

In addition to creating a new criminal offense, this bill 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 restrictions on computer usage.

Because the newly-created offenses could not be committed until the individual had been properly ordered to comply with the proposed requirements regarding use of a computer, there would be a period of time between the law's effective date and the commencement of prosecutions and revocations for alleged registration violations. 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. 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