

Fiscal Estimate Narratives

DOJ 12/7/2007

LRB Number	07-2094/2	Introduction Number	SB-306	Estimate Type	Original
Description Duties upon causing an injury, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under chapter 346.74 (5) (e) of the Wisconsin Statutes, a person is guilty of a felony if the person is operating a vehicle and fails to perform certain identification and assistance duties upon striking another person or attended or occupied vehicle and the accident involves injury or death to that other person. Also, under chapter 29.341 any person who, while hunting, discharges a firearm or arrow and injures or kills another person, shall identify themselves, render assistance, and report the incident to law enforcement. Any person intentionally failing to comply faces a fine up to \$5,000 and/or up to one year in the county jail. Any person neglecting to comply faces a fine up to \$5,000 and/or up to 9 months in the county jail.

Senate Bill 306 repeals 346.74 (5) (e) and 29.341. Instead, SB 306 creates 940.245, which provides that any person who knows or should have known that they have injured or killed another person with a dangerous weapon shall immediately identify themselves, render assistance, and report the incident to law enforcement. Any person failing to comply is guilty of a Class A misdemeanor if the violation involved injury to person, guilty of a Class E felony if the violation involved great bodily harm to a person, and guilty of a Class D felony if the violation involved death of a person.

While most felony prosecutions are handled by 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. 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.

Since SB 306 increases, from a misdemeanor to a felony, the penalties for failing to comply with the identification, assistance, and reporting duties relating to accidental shootings, it is possible that the enactment of the bill could result in an increased 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