

## Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-2089/1</b>	<b>Introduction Number</b> <b>AB-0223</b>	
<b>Description</b> The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;"> <input checked="checked" type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Increase Existing Appropriations</li> <li><input type="checkbox"/> Decrease Existing Appropriations</li> <li><input type="checkbox"/> Create New Appropriations</li> </ul> </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                             </div> <div style="width: 35%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around; margin-left: 20px;"> <input type="checkbox"/> Yes      <input type="checkbox"/> No                                     </div> <input type="checkbox"/> Decrease Costs                             </div> </div>		
<b>Local:</b> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 30%;"> <input type="checkbox"/> No Local Government Costs  <input checked="checked" type="checkbox"/> Indeterminate                             <ul style="list-style-type: none"> <li>1. <input type="checkbox"/> Increase Costs                                      <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</li> <li>2. <input type="checkbox"/> Decrease Costs                                      <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</li> </ul> </div> <div style="width: 30%;"> <ul style="list-style-type: none"> <li>3. <input type="checkbox"/> Increase Revenue                                      <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</li> <li>4. <input type="checkbox"/> Decrease Revenue                                      <input type="checkbox"/> Permissive   <input type="checkbox"/> Mandatory</li> </ul> </div> <div style="width: 35%;"> <b>5.Types of Local Government Units Affected</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Towns      <input type="checkbox"/> Village      <input type="checkbox"/> Cities</li> <li><input checked="checked" type="checkbox"/> Counties    <input type="checkbox"/> Others</li> <li><input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts</li> </ul> </div> </div>		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 4/24/2009

## Fiscal Estimate Narratives

SPD 4/24/2009

LRB Number	09-2089/1	Introduction Number	AB-0223	Estimate Type	Original
<b>Description</b> The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

### 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 has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. The bill would amend procedures in certain juvenile delinquency cases to provide the right to a jury trial. Therefore, the SPD does not anticipate any increase in its caseload as a result of this proposal.

A jury trial generally takes a longer period of time than a court trial because of such factors as the time necessary to select the jury and to determine certain legal issues outside the presence of the jury. However, the percentage of cases in which jury trials occur in SPD cases is very small, except for specialized case types in which indefinite commitment or loss of parental rights is at issue. Furthermore, the availability of a jury trial or the scheduling of a case for a trial may in some cases encourage the parties to consider a negotiated settlement earlier in the process than they otherwise might. Therefore, the SPD does not anticipate any increase in costs attributable to this proposal.

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. However, for the same reason that the SPD does not anticipate any impact on its caseload or expenditures, the counties are unlikely to see any increase in case appointments or costs.

Counties would incur some costs to empanel juries in cases in which a jury trial occurs, but these costs may be offset by savings if the scheduling of jury cases leads to prompter resolution of cases and, therefore, shorter time periods that juveniles are held in detention awaiting trial.

### Long-Range Fiscal Implications