

Fiscal Estimate Narratives

SPD 5/11/2009

LRB Number	09-0656/3	Introduction Number	AB-0259	Estimate Type	Original
Description The care and treatment of persons with Alzheimer's disease or related dementia in residential care facilities, reports on residential care facilities, providing an exemption from emergency rule procedures, requiring the exercise of rule-making authority, 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 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 require the Department of Health Services to develop standards for facilities that represent to the public that they have expertise in providing care for persons suffering from Alzheimer's disease or similar condition of dementia. Although the bill proposes penalties for facilities that do not meet the standards, these penalties are defined as non-criminal, forfeiture penalties. Therefore, the SPD would not be required or authorized to appoint attorneys under this bill, and the SPD does not anticipate any increase in its caseload if the bill is enacted.

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.

Long-Range Fiscal Implications