## Fiscal Estimate - 2009 Session

☑ Original ☐ Updated	Corrected Supplemental
LRB Number <b>09-2099/1</b>	Introduction Number AB-0357
<b>Description</b> Receiving a stolen firearm and providing a pena	lty
Fiscal Effect	
Appropriations Reve	ase Existing enues ease Existing enues  The properties of the prop
Permissive Mandatory Perm 2. Decrease Costs 4. Decr	5.Types of Local Government Units Affected Towns Village Cities Counties Others Ease Revenue School WTCS Districts
Fund Sources Affected  GPR FED PRO PRS	Affected Ch. 20 Appropriations SEG SEGS
Agency/Prepared By	Authorized Signature Date
DOJ/ Mark Rinehart (608) 264-9463	Mark Rinehart (608) 264-9463 10/9/2009

## Fiscal Estimate Narratives DOJ 10/9/2009

LRB Number 09-2099/1	Introduction Number	AB-0357	Estimate Type	Original	
Description Receiving a stolen firearm and providing a penalty					

## Assumptions Used in Arriving at Fiscal Estimate

Under current law, whoever intentionally receives or conceals stolen property is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$2,500; 2) a Class I felony if the value of the property is between \$2,501-\$5,000; and 3) a Class H felony if the value of the property is between \$5,001-\$10,000.

Also under current law, whoever intentionally receives stolen property from a child or conceals stolen property received from a child is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$500; 2) a Class I felony if the value of the property is between \$501-\$2,500; and 3) a Class H felony if the value of the property is between \$2,501-\$5,000.

Under 2009 Assembly Bill 357, whoever knowingly or intentionally receives or conceals a stolen firearm is guilty of a Class H felony, regardless of the value of the firearm. In addition, whoever intentionally receives a stolen firearm from a child or conceals a stolen firearm received from a child is guilty of a Class H felony, regardless of the value of the firearm.

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 AB 357 broadens the types of activities that can be prosecuted as felonies, 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. The department is not certain how many new felony cases it may handle due to the enactment of AB 357. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

**Long-Range Fiscal Implications**