

Fiscal Estimate Narratives

SPD 3/31/2010

LRB Number	09-4556/1	Introduction Number	AB-0893	Estimate Type	Original
Description Submission of biological specimens for deoxyribonucleic acid analysis					

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 and certain commitment 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.

Although this bill would not create a new crime, it will likely lead to additional misdemeanors being charged for intentionally failing to comply with a requirement to provide a DNA sample, as the requirement to provide the sample would no longer expire when a person completes serving probation, a sentence, or a delinquency disposition or is released from confinement. Assuming this change would apply retroactively to persons who have already completed their sentences, we expect the increased charges would decline once the initial backlog associated with uncollected specimens was handled. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case is \$214.11, calculated on the basis of the SPD's average cost per case in fiscal year 2009.

Indirectly, the additional DNA samples collected under this bill would likely result in an indeterminate number of criminal charges based DNA matches to evidence in unsolved cases. Some of those defendants would likely qualify for an SPD appointment.

Long-Range Fiscal Implications