

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1669/1		Introduction Number AB-0411	
Description			
The prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	Date
SPD/ Mike Tobin (608) 266-8259		Krista Ginger (608) 264-8572	9/3/2009

Fiscal Estimate Narratives

SPD 9/3/2009

LRB Number	09-1669/1	Introduction Number	AB-0411	Estimate Type	Original
Description The prohibition against making, reproducing, or possessing a nude depiction of a person without the person's consent and the sex offender registry					

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 makes persons convicted of video voyeurism subject to sex offender registration, if the court finds that the offense was sexually motivated. Offenders under age 21 at the time of the offense could have their names removed from the registry upon successful completion of their sentences.

Although the bill should not affect the number of prosecutions for the offense of video voyeurism, it may indirectly result in additional criminal charges under section 301.45, Stats., for violation of requirements of the sex offender registry. Some of the offenders placed on the registry for convictions of video voyeurism are likely to be charged in the future with violating the registry requirements.

During the last three fiscal years, the SPD has appointed attorneys in approximately 17 cases annually in which one or more counts of video voyeurism were charged. Any one of the following three events in an individual case can avert this type of criminal charge: 1) the defendant is not convicted of the original charge of video voyeurism; 2) the court does not order the defendant to register as a sex offender; or 3) the defendant complies with the terms of the registry. Thus, although the SPD cannot predict a precise number of new cases, the SPD does not anticipate a large number of new charges for violations of the sex offender registry.

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. Thus, the counties may experience increased costs attributable to criminal charges for alleged violations of the requirements of the sex offender registry. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing in these cases. For the reasons stated in the preceding paragraph, the number of new cases is unlikely to be large.

Long-Range Fiscal Implications