



## Fiscal Estimate Narratives

SPD 8/15/2009

LRB Number	09-2431/1	Introduction Number	AB-0352	Estimate Type	Original
<b>Description</b> Vehicle owner liability for a vehicle's failure to stop as required for a school bus					

### 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 the procedure for serving a traffic citation in specified non-criminal traffic proceedings. Because the SPD does not appoint attorneys in these non-criminal proceedings, there is no anticipated fiscal effect.

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, because this bill would affect non-criminal traffic proceedings, there is no anticipated fiscal effect on the counties for appointment of counsel. The SPD does not have data to determine whether counties or other governmental entities would experience a significant decrease in costs associated with the procedural change proposed regarding service of traffic citations.

### Long-Range Fiscal Implications