



## Fiscal Estimate Narratives

DOJ 11/3/2009

LRB Number	<b>09-3328/1</b>	Introduction Number	<b>AB-0423</b>	Estimate Type	<b>Original</b>
<b>Description</b> Battery to a district attorney or assistant district attorney and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 940.20 (4) of the Wisconsin Statutes, whoever intentionally causes bodily harm to a public officer, including a District Attorney (DA), to influence the action of such officer or as a result of any action taken within an official capacity, without the consent of the person injured, is guilty of a Class I felony. 2009 Assembly Bill 423 removes DAs from those provisions.

Instead, AB 423 creates a Class H felony for anyone who knowingly and intentionally causes or threatens bodily harm to a DA or a member of a DAs family while the DA is acting in an official capacity or in response to any official action by the DA.

Felony prosecutions are generally handled by local district attorneys. However, on occasion, district attorneys across Wisconsin request assistant attorneys general in the Department of Justice's Criminal Litigation Unit to act as special prosecutors. 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.

It is likely that the enactment of AB 423 will result in an increased caseload for the department's Criminal Litigation Unit, especially since a conflict of interest is one of the common reasons DAs cite for requesting DOJ to act as special prosecutors in their cases. A DA prosecuting a person for threatening to cause bodily to that DA or that DA's family will be seen as a conflict of interest. Creating a new felony could also increase the workload of DOJ's Criminal Appeals Unit. However, the department is not aware of any data that would accurately predict the number of cases relating to threats of bodily harm against DAs or DAs families that it would prosecute or handle on appeal in any given year. 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