

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-3061/1		Introduction Number AB-0481	
Description Making crimes based on gender of victim subject to a penalty enhancer and providing a penalty			
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 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 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
DOJ/ Mark Rinehart (608) 264-9463		Mark Rinehart (608) 264-9463	11/4/2009

Fiscal Estimate Narratives

DOJ 11/4/2009

LRB Number	09-3061/1	Introduction Number	AB-0481	Estimate Type	Original
Description Making crimes based on gender of victim subject to a penalty enhancer and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 939.645, generally if a person commits a crime under Chapters 939 to 948 and the person intentionally selects the victim because of the victim's race, religion, color, disability, sexual orientation, national origin, or ancestry, and the crime committed under Chapters 939 to 948 is ordinarily a Class A misdemeanor, the status of the crime is changed to a felony.

Under 2009 Assembly Bill 481, if a person commits a crime under Chapters 939 to 948 and the person intentionally selects the victim because of the victim's gender, and the crime committed under Chapters 939 to 948 is ordinarily a Class A misdemeanor, the status of the crime is changed to a felony.

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 481 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 anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources. If the increase is greater than expected the department will require additional resources.

Long-Range Fiscal Implications