

Fiscal Estimate Narratives

DOJ 1/19/2010

LRB Number	09-3681/1	Introduction Number	AB-0558	Estimate Type	Updated
Description The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under s. 941.29, a person is guilty of a Class G felony if he or she possesses a firearm under specified circumstances. Assembly Bill 558 adds to the existing list of specified circumstances a person who has been convicted of a misdemeanor crime of domestic violence or found not guilty by reason of mental disease or defect of a misdemeanor crime of domestic violence.

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 558 will increase the types of activities that can be prosecuted as a felony, 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 increase in caseload would be relatively small. However, if the increase in the number of cases is larger than anticipated, the department will need additional resources.

For reference purposes, 1 FTE Criminal Appeals Attorney, on average, handles between 50-60 cases annually. The total salary, fringe, equipment, and supplies costs for 1 FTE Criminal Appeals Attorney at the minimum salary level is \$91,039 in the first year and \$82,739 in subsequent years.

Long-Range Fiscal Implications