

Fiscal Estimate Narratives

SPD 1/19/2010

LRB Number	09-4086/1	Introduction Number	AB-0656	Estimate Type	Original
Description The local regulation of ticket selling and providing a penalty					

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 provides a forfeiture penalty for local ordinances that may be enacted limiting the area in which persons may resell tickets to entertainment events (including sporting events). The bill authorizes local jurisdictions to provide that upon a second violation of this restriction, the person may be permanently prohibited from entering the area where the violations occurred.

This potential prohibition could potentially be enforced by contempt proceedings in court or by prosecutions for criminal trespass. Proceedings of this nature could result in additional SPD appointments; however, the SPD cannot predict that the bill would lead to the policy choices on the local level that could result in these proceedings. Further, given that tickets to entertainment events may be sold in approved areas, the SPD has no basis to conclude that a significant number of persons would commit the repeat violations necessary before any such proceeding could be initiated. Therefore, the SPD does not anticipate any impact upon its caseload.

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, for the same reason that the SPD does not anticipate any impact on its caseload, the counties are unlikely to see any such increase in case appointments.

Long-Range Fiscal Implications