



## Fiscal Estimate Narratives

DOJ 3/15/2010

LRB Number	<b>09-1384/1</b>	Introduction Number	<b>SB-101</b>	Estimate Type	<b>Original</b>
<b>Description</b> Battery to a highway construction or maintenance worker and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under 940.19, whoever causes bodily harm to another by an act done with intent to cause bodily harm to the person or another without the consent of the person so harmed is guilty of battery, a Class A misdemeanor. However, under 940.20, whoever commits battery against certain persons is guilty of a Class I or Class H felony.

2009 Senate Bill 101 expands 940.20 so that a person who commits battery against a highway construction or maintenance worker is guilty of a Class I 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 SB 101 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. However, the department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources.

### Long-Range Fiscal Implications