

Fiscal Estimate Narratives

DOJ 2/18/2010

LRB Number	09-2890/1	Introduction Number	SB-219	Estimate Type	Original
Description Causing injury to a law enforcement officer while resisting or obstructing an officer or while attempting to flee and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 940.20 (2), whoever intentionally causes bodily harm to a law enforcement officer, fire fighter, or commission warden, acting in an official capacity and the person knows or has reason to know that the victim is a law enforcement officer, fire fighter, or commission warden, by an act done without the consent of the person so injured, is guilty of a Class H felony.

Under 2009 Senate Bill 219, a person is guilty of a Class H felony if the person causes bodily harm to a law enforcement officer while the person is resisting, obstructing, fleeing from, or attempting to flee from the law enforcement officer.

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 219 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. However, if the increased caseload is significant, DOJ will need additional resources.

Long-Range Fiscal Implications