

Fiscal Estimate Narratives

DOJ 2/25/2010

LRB Number	09-2317/1	Introduction Number	SB-334	Estimate Type	Original
Description Throwing or expelling a bodily substance at a public safety worker and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under s. 941.375, any person who who throws or expels a bodily substance at or toward a public safety worker is guilty of a Class I felony if the person intends that the substance come in to contact with the worker and intends that the substance cause bodily harm to the worker.

Under 2009 Senate Bill 334, any person who who throws or expels a bodily substance at or toward a public safety worker is guilty of a Class I felony if the person intends that the substance come in to contact with the worker.

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 334 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