

Fiscal Estimate Narratives

DOJ 12/3/2009

LRB Number	09-3598/1	Introduction Number	SB-344	Estimate Type	Original
Description Making crimes based on gender of victim subject to a penalty enhancer and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 939.645, generally if a person commits a crime under Chapters 939 to 948 and the person intentionally selects the victim because of the victim's race, religion, color, disability, sexual orientation, national origin, or ancestry, and the crime committed under Chapters 939 to 948 is ordinarily a Class A misdemeanor, the status of the crime is changed to a felony.

Under 2009 Senate Bill 344, if a person commits a crime under Chapters 939 to 948 and the person intentionally selects the victim because of the victim's gender, and the crime committed under Chapters 939 to 948 is ordinarily a Class A misdemeanor, the status of the crime is changed to a 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 344 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