

Fiscal Estimate Narratives

SPD 11/6/2009

LRB Number	09-3249/1	Introduction Number	SB-381	Estimate Type	Original
Description Notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions					

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 procedural rules regarding notification to certain persons required to surrender to law enforcement any firearms in their possession. Therefore, the SPD would not be required or authorized to appoint attorneys under this bill, and the SPD does not anticipate any increase in its caseload if the bill is enacted. This assessment is premised on the assumption that these procedural rules would not result in the arrest or prosecution of additional individuals for unauthorized possession of firearms. The SPD does not have data to determine whether the proposed rule would have any affect upon the number of charges for unauthorized possession.

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