

Fiscal Estimate Narratives

DOJ 2/22/2012

LRB Number	11-4008/1	Introduction Number	SB-473	Estimate Type	Original
Description Statute of limitations for first-degree sexual assault, attempted homicide, and attempted first-degree sexual assault					

Assumptions Used in Arriving at Fiscal Estimate

Generally, under s. 939.74 (1), a prosecution for a felony must be commenced within 6 years after the commission of the felony. However, under s. 939.74 (2), a prosecution for a violation of s. 940.01, 940.02, 940.03, 940.05, 948.02 (1), or 948.025 (1) (a)-(d) may be commenced at any time.

2011 Senate Bill 473 expands s. 939.74 (2) to add s. 940.225 (1) and the attempt to commit s. 940.01, 940.05, 940.225 (1), or 948.02 (1) to the list of felonies for which a prosecution may be commenced at any time.

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 473 expands the types of cases 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