## Fiscal Estimate - 2011 Session

X	Original		Updated		Corrected		Supplemental	
LRB	Number	11-4008/1		Introd	duction Num	ber S	B-473	
<b>Description</b> Statute of limitations for first-degree sexual assault, attempted homicide, and attempted first-degree sexual assault								
Fiscal	Effect							
	No State Fiscondeterminate Increase E Appropriat Decrease Appropriat Create Ne	Existing tions Existing	Reve Decre Reve	ease Existing	to abs		- May be possible n agency's budget No	
Local:  No Local Government Costs  Indeterminate  1. Increase Costs Permissive Mandatory  2. Decrease Costs Permissive Mandatory Permissive Mandatory Permissive Mandatory Permissive Mandatory Permissive Mandatory Districts  5. Types of Local Government Units Affected Towns Village Cities Counties Others School WTCS Districts								
Fund Sources Affected Affected Ch. 20 Appropriations  GPR FED PRO PRS SEG SEGS								
Agend	cy/Prepared	Ву		Authorized	Signature		Date	
DOJ/ Mark Rinehart (608) 264-9463 Mai			Mark Rineha	rk Rinehart (608) 264-9463				

## Fiscal Estimate Narratives DOJ 2/22/2012

LRB Number 11-4008/1	Introduction Number SB-473	Estimate Type Original				
<b>Description</b> 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 withing 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**