

Fiscal Estimate Narratives

SPD 3/11/2011

LRB Number	11-0235/1	Introduction Number	AB-0042	Estimate Type	Original
Description Presumption and conclusive determination of paternity on basis of genetic test results and orders that may be granted on the basis of genetic test results					

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 would amend procedures for determination of paternity for children born out of wedlock. The SPD has very narrow jurisdiction to appoint attorneys in paternity cases (appointment is authorized only in the extremely rare instance of an inconclusive genetic test). It does not appear that the bill would increase the number of proceedings in which the SPD would appoint counsel. Therefore, the SPD does not anticipate any increase or decrease in its caseload as a result of this proposal.

Long-Range Fiscal Implications