

Fiscal Estimate Narratives

SPD 2/27/2012

LRB Number	11-2110/1	Introduction Number	AB-0586	Estimate Type	Original
Description Professional land surveyors; the practice of professional land surveying; surveying land abutting navigable waters; various changes regarding platting, surveying, and certified survey maps; and granting rule-making authority					

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 and certain commitment proceedings. The SPD plays a critical 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 modifies current law regarding the certification of land surveyors and various specifics regarding subdivision plats, placement of survey markers and monuments, and certified survey maps among other land survey requirements. Current law provides a penalty of not more than \$250 or imprisonment for not more than one year in the county jail for various violations related to the placement of monuments by a surveyor. The bill provides that each monument to which a violation applies is a separate violation and therefore subject to a separate penalty.

The SPD has no data to predict the number of additional cases that would result from the changes proposed in this bill; however, the SPD has not provided representation within the past fiscal year for these violations. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), it would be more cost effective to add staff attorney positions should the bill result in a number of additional charges.

Counties are also subject to increased costs when a crime is created or modified. 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. Thus, the counties would experience increased costs attributable to charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications