

Fiscal Estimate Narratives

SPD 3/12/2012

LRB Number	11-1282/1	Introduction Number	AB-0657	Estimate Type	Original
Description The right to a trial by jury for a juvenile for whom the petitioner has reserved the right to recommend placement in the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of majority					

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 allows a juvenile and to his or her parent, or legal custodian, to request a trial by jury if the person filing the delinquency petition recommends placement of the juvenile into the Serious Juvenile Offender Program or in a juvenile correctional facility beyond the age of 17 years.

The bill could result in additional cases which are heard by a jury. This tends to increase the complexity and associated cost for a delinquency proceeding. In Fiscal Year 2011, the average cost to provide representation in a felony delinquency case through a private bar appointment was \$464.86.

Counties are also subject to increased costs in these cases. 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 the complexity and associated cost for a delinquency proceeding. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications