

Fiscal Estimate Narratives

DOJ 1/24/2012

LRB Number	11-3155/1	Introduction Number	SB-274	Estimate Type	Original
Description Regulating sales of plastic bulk merchandise containers to scrap plastic dealers and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

s. 134.405 regulates the purchase and sale of scrap metal. A scrap metal dealer who knowingly violates this section and who has knowingly committed more than one previous violation of this section is guilty of a Class I felony.

2011 Senate Bill 274 expands s. 134.405 to include a scrap plastic dealer engaged in the business of buying or selling plastic to be processed for reuse in a mill or other manufacturing facility. SB 274 also includes the Class I felony for a scrap plastic dealer who knowingly violates this section and who has knowingly committed more than one previous violation of this section.

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 274 broadens the type of activity that can be prosecuted as a felony, 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 is not certain how many new felony cases it may handle due to the enactment of SB 274. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

Long-Range Fiscal Implications