

Fiscal Estimate Narratives

DOJ 4/28/2011

LRB Number	11-1757/1	Introduction Number	SB-054	Estimate Type	Original
Description Certain controlled substances and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under 961.41 (b), it is a Class H felony to manufacture, distribute, or deliver certain hallucinogenic controlled substances. Under 961.41 (1m)(b), it is a Class H felony to possess with intent to manufacture, distribute, or deliver, certain hallucinogenic controlled substances. 2011 Senate Bill 54 expands the list of hallucinogenic controlled substances under the two sections above to include several synthetic cannabinoids. 2011 SB 54 also creates a Class I felony for a second or subsequent offense relating to possession of several synthetic cannabinoids.

Under 961.41 (1)(e), it is a Class C, D, E, or F felony, depending on the weight of the substance, to manufacture, distribute, or deliver certain stimulant controlled substances. Under 961.41 (1m)(e), it is a Class C, D, E, or F felony, depending on the weight of the substance, to possess with intent to manufacture, distribute, or deliver, certain stimulant controlled substances. Under 961.41(3g)(d) it is a Class I felony for a second or subsequent offense relating to possession or attempted possession of certain stimulant controlled substances. 2011 SB 54 expands the list of stimulant controlled substances under the three sections above to include Methylenedioxypropylone, 4-methylmethcathinone, and their analogs.

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 54 broadens the types of activities 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