



## Fiscal Estimate Narratives

SPD 4/11/2013

LRB Number	13-1942/1	Introduction Number	SB-124	Estimate Type	Original
<b>Description</b> Sales and transfers of firearms and providing a penalty					

### 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 significant 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 generally prohibits a person from selling or transferring a firearm unless the sale or transfer occurs through a federally licensed firearms dealer and involves a background check of the prospective transferee with some exceptions. A person who is convicted of violating the prohibition is guilty of a misdemeanor and incurs a fine of \$500 to \$10,000 and may be imprisoned for up to nine months as well as being unable to possess a firearm for a period of two years.

The SPD has no data to predict the number of additional misdemeanor cases that could result from the changes proposed in this bill. The SPD's FY 2012 average cost to provide representation with a private bar attorney in a misdemeanor case is \$237.02.

Because probation or prison could be ordered upon conviction for the proposed crime, this change could indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill could indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during FY 2012 for SPD representation by a private bar attorney in a revocation proceeding was \$290.83.

Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

### Long-Range Fiscal Implications