

### Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-1949/2</b>	<b>Introduction Number</b> <b>SB-245</b>	
<b>Description</b> Applications for public assistance programs, offenses in public assistance programs, granting rule-making authority, and providing a penalty		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1)		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
SPD/ Anna Oehler (608) 267-0311	Adam Plotkin (608) 264-8572	7/9/2013

## Fiscal Estimate Narratives

SPD 7/9/2013

LRB Number	13-1949/2	Introduction Number	SB-245	Estimate Type	Original
<b>Description</b> Applications for public assistance programs, offenses in public assistance programs, granting rule-making authority, 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 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 moves offenses related to public assistance programs to the crimes against government and its administration section of the Wisconsin Statutes. This bill also expands the authorization of the Department of Justice or a district attorney to prosecute violations of criminal laws affecting any public assistance program including W-2, Foodshare and Medical Assistance. This bill also requires an oath of accuracy and truth be administered to any applicant of public assistance.

By expanding who is able to file criminal charges in these cases, this bill could result in additional cases in which the SPD appoints counsel; however that increase cannot be quantified.

Criminal penalties for violations of these provisions range from a fine, imprisonment up to nine months, or a felony depending on the severity of the criminal charge.

In Fiscal Year 2013, the average cost to appoint a private bar attorney to a felony case was \$538.20, and a misdemeanor case was \$247.54.

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 the provisions of this bill.

### Long-Range Fiscal Implications