

Fiscal Estimate Narratives

SPD 11/4/2013

LRB Number	13-1962/1	Introduction Number	AB-0464	Estimate Type	Original
Description Providing notice of firearm prohibition when serving notice for certain injunction hearings and process for surrendering firearms following the granting of certain injunctions					

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 does none of the above. Currently, a person is prohibited from possessing a firearm and must surrender any firearm he or she possesses if he or she is subject to a domestic abuse injunction, a child abuse injunction, or, if the court determines that he or she may use a firearm to harm another or endanger public safety, a harassment injunction. A person who is subject to an injunction (respondent) must surrender his or her firearm to a sheriff or to a third party approved by the court and is guilty of a Class G felony if convicted of possessing a firearm while subject to the injunction. This bill creates a procedure for notifying a person, when the person is served with a petition for an injunction hearing, of the prohibition against possessing a firearm and of the requirement to surrender any firearm. This bill also creates a procedure for surrendering firearms after the court grants an injunction.

This bill does not create additional penalties, expand criminal offenses or increase penalties for existing offenses. Additional notification may prevent inadvertent violations of these provisions. The anticipated impact on SPD caseloads is expected to be minimal.

Long-Range Fiscal Implications