## Fiscal Estimate - 2013 Session

$\boxtimes$	Original		Updated		Corrected		Supple	mental			
LRB	Number	13-4324/1		Introd	luction Nun	nber <b>A</b>	B-081	2			
<b>Description</b> Fraudulent motor vehicle emission inspection reports and providing a penalty											
Fiscal	Effect										
	No State Fisc Indeterminate Increase E Appropriat Decrease Appropriat Create Ne	Existing tions Existing	Revenue	es e Existing	to a	ease Costs bsorb withi	in agency				
Local	No Local Gov Indeterminate 1. Increase Permiss 2. Decrease	e Costs sive⊠Mandato se Costs	3. Increase ory Permissi 4. Decrease ory Permissi	ve Man e Revenue	Gove	es of Local ernment Ur Fowns [ Counties [ School [ Districts	nits Affect Village Others WTCS District	Cities			
Fund	Sources Affe PR		PRS SEC	G 🔲 SE	<b>Affected (</b> EGS 20.550(1)(	Ch. 20 App (b-d)	oropriatio	ons			
Agen	cy/Prepared	Ву	Au	thorized S	Signature			Date			
SPD/ Anna Oehler (608) 267-0311 Adam				am Plotkin	m Plotkin (608) 264-8572						

## Fiscal Estimate Narratives SPD 2/25/2014

LRB Number 13-4324/1	Introduction Number	AB-0812	Estimate Type	Original					
Description									
Fraudulent motor vehicle emission inspection reports 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 major 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 prohibits a person from knowingly doing any of the following: altering data from an emission inspection, submitting a false report of data from a required emission inspection, and attributing data from an emission inspection to a vehicle other than the vehicle tested. A person who violates any of these provisions is generally subject to a forfeiture of not more than \$500. However, if the violator is the person performing the emission inspection, that person is guilty of a class H felony and may be fined not more than \$10,000 or imprisoned not more than 6 years, or both.

Since the bill adds new penalties, it is possible the SPD will see an increase in the number of cases in which it provides representation. We are unable, however, to quantify the number of cases that might occur due to the provisions in the bill. The SPD's average cost to provide representation with a private bar attorney in a felony case was \$556.21 in fiscal year 2013. 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.

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 fiscal year 2013 for SPD representation by a private bar attorney in a revocation proceeding was \$303.86.

This bill could also have a fiscal impact on counties. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications