

Fiscal Estimate Narratives

CTS 6/24/2013

LRB Number	13-1742/1	Introduction Number	AB-0191	Estimate Type	Original
Description Theft of communication and video services, civil damages resulting from the theft of certain services, and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill increases the penalty for obtaining either telecommunications service or video service without making payment for the services. Currently, violation of these provisions is punishable as a forfeiture. These bills make the violation a Class C misdemeanor. The bill also allows a court to award reasonable attorney fees to the injured party in a civil suit alleging theft of telecommunications or video services.

The more significant the penalty involved in a case, the greater the judicial resources that are required to process a case. A misdemeanor case takes significantly greater judicial time and resources than a forfeiture case. A felony takes significantly greater judicial time and resources than a misdemeanor.

To determine the impact on required judicial resources, we have relied on the Judicial Needs Assessment 2006, submitted to the Director of State Courts by the National Center for State Courts. For this study, all Wisconsin judges and court commissioners participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution. According to the study, traffic or ordinance violations that result in forfeitures took 7.5 minutes of judicial time, while misdemeanor cases took 27.7 minutes of judicial time.

It is impossible to predict how many such crimes will be filed in the circuit court. Additional proceedings require additional judge, court reporter, court staff and juror time. These costs are borne by both the state and the county. An accurate estimate of the additional costs is impossible with the data available.

It is also impossible to predict whether the provision allowing the award of reasonable attorney fees will increase the number of civil actions filed relating to the theft of telecommunications or video services.

Long-Range Fiscal Implications