

Fiscal Estimate Narratives

SPD 5/9/2013

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

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.

Under current law, a person who obtains either telecommunications services or video services without payment is subject to a Class C forfeiture. This bill would reclassify the penalty to a Class C misdemeanor.

By reclassifying this as a criminal penalty, this bill could increase the number of cases in which the SPD provides representation, but data is not available to quantify the possible impact. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$237.02 in fiscal year 2012.

This bill could also have a fiscal impact on the 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. Thus, the counties would experience increased costs attributable to the higher penalties for these charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants.

Long-Range Fiscal Implications