

Fiscal Estimate Narratives

SPD 1/24/2014

LRB Number	13-3431/2	Introduction Number	AB-0625	Estimate Type	Original
Description Entry on property in foreclosure					

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, after a mortgage foreclosure action is commenced, allows an employee or agent of or contractor within a municipality in which the property in foreclosure is located or a utility company providing electric, water or natural gas service to the property to go on the property, enter into any buildings on the property, using such reasonable force as is necessary and take any action to preserve or protect the property or public health and safety. This may be done only if the municipality has determined that it is likely that the property is abandoned, using any reasonable criteria, and that it is necessary to preserve or protect the property or public health and safety or to inspect the property to determine if any action is necessary to preserve or protect the property or the public health and safety. This bill provides immunity from civil and criminal liability to the municipality's agents and utility companies if the court has determined the property to be abandoned and after the judgment is entered for the plaintiff in the action, the plaintiff may go on the property and enter into any buildings on the property, using such reasonable force as is necessary, to inspect the property and take any action to necessary to preserve or protect the property. The bill requires the clerk of circuit court for the county in which a mortgage foreclosure action is commenced to provide notice of the commencement of the action to the municipality in which the property in foreclosure is located and to the law enforcement agency that provides primary law enforcement services to that municipality. The notice must include the address of the property and the name and address of the plaintiff in the foreclosure action, but may not include the name of the property owner or defendant in the foreclosure action.

The SPD estimates that there will be not be an increased caseload related to the provisions of this bill.

Counties may see an increased cost for entering property under foreclosure and notifying the plaintiffs regarding the mortgage foreclosure specified in this bill.

Long-Range Fiscal Implications