

## Fiscal Estimate - 2013 Session

Original       Updated       Corrected       Supplemental

LRB Number **13-2694/1**      Introduction Number **AB-0652**

### Description

Presumption of reasonableness in a criminal or civil case involving self-defense

### Fiscal Effect

#### State:

- No State Fiscal Effect  
 Indeterminate
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Increase Existing Appropriations | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><input type="checkbox"/> Yes <input type="checkbox"/> No |
| <input type="checkbox"/> Decrease Existing Appropriations | <input type="checkbox"/> Decrease Existing Revenues |  |
| <input type="checkbox"/> Create New Appropriations        |   | <input type="checkbox"/> Decrease Costs  |

#### Local:

- No Local Government Costs  
 Indeterminate

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |
| 2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |

#### 5. Types of Local

- Government Units Affected
- |  |   |                                 |
|--|---|---------------------------------|
| <input type="checkbox"/> Towns               | <input type="checkbox"/> Village        | <input type="checkbox"/> Cities |
| <input checked="" type="checkbox"/> Counties | <input type="checkbox"/> Others         |                                 |
| <input type="checkbox"/> School Districts    | <input type="checkbox"/> WTCS Districts |                                 |

### Fund Sources Affected

- GPR    FED    PRO    PRS    SEG    SEGS 20.550(1)(b-d)

### Affected Ch. 20 Appropriations

### Agency/Prepared By

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### Authorized Signature

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### Date

1/31/2014

## Fiscal Estimate Narratives

SPD 1/31/2014

LRB Number	13-2694/1	Introduction Number	AB-0652	Estimate Type	Original
<b>Description</b> Presumption of reasonableness in a criminal or civil case involving self-defense					

### 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.

Current law, in general, provides that a person who uses force in self-defense or in the defense of another person may not be convicted of a crime stemming from that use of force if the amount of force used is reasonable and the person uses that force to prevent or stop what he or she reasonably believes is unlawful interference with himself or herself or another person. Current law also confers immunity from civil liability for a person who uses force that is intended to or likely to cause death or great bodily harm if the person reasonably believed that the force was necessary to prevent death or bodily harm of himself or herself or another person. This bill repeals the presumption of reasonableness in criminal and civil actions, and removes the current legal provisions awarding attorney fees, court costs, compensation for income loss, and other expenses incurred by a person who is sued civilly for using force that is intended to or likely to cause death or great bodily harm.

The SPD does not expect a significant change in the number of cases in which it provides representation due to the provisions in this bill. 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 homicide case was \$4,337.09 and \$556.21 a felony 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.

### Long-Range Fiscal Implications