

Fiscal Estimate Narratives

SPD 10/10/2013

LRB Number	13-1643/1	Introduction Number	SB-319	Estimate Type	Original
Description Animals taken into custody					

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 changes the laws related to animals that are taken into custody on behalf of a city, village, town or county (political subdivision). This bill requires the owner of an animal to file a petition seeking return of animals in custody and requires the court to hold a hearing on the issue of whether the animal was improperly taken into custody or withheld within 10 days of filing of the petition. This bill also allows the political subdivision to require the owner of the animal to pay funds into the court to cover the cost of care for the animal in custody. Additionally, this bill, if there is a case in criminal court charging mistreatment of an animal in violation of laws relating to animal fighting, allows the defendant or the district attorney to request the criminal court to order that the animal be retained in custody for a reasonable period to collect evidence relating to the animal.

This bill has a negligible cost to the SPD since it would not increase or decrease the number of cases requiring legal representation. The bill may require additional time for attorneys in criminal cases if the criminal court is petitioned by the defendant or district attorney to collect evidence related to the animal.

Counties may have increased costs for changes resulting from this bill related to taking animals into custody and petitioning the court regarding custodial issues. The SPD is unable to estimate the costs associated with care of an animal under custody and costs associated with petitioning the court.

Long-Range Fiscal Implications