

Fiscal Estimate Narratives

SPD 6/22/2015

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| LRB Number | 15-0733/1 | Introduction Number | AB-0267 | Estimate Type | Original |
| Description Investigation of a child abuse report in which a person who is not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution; and prohibiting prosecuting a person under the age of 18 with committing an act of prostitution | | | | | |

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 this bill, a person who has not attained the age of 18 may not be prosecuted for committing an act of prostitution. The bill eliminates the option, for a person who is under the age of 18, of entering a consent decree or a deferred prosecution agreement. The bill requires the sheriff or police department to refer to an agency, and the agency to investigate, a case of child abuse in which a person who is not a caregiver of the child is suspected of permitting, allowing, or encouraging the child to engage in prostitution.

It is possible that given the impact of this bill to reduce criminal charges, the SPD will see a decrease in the number of cases in which it provides representation. We are unable, however, to quantify the number of cases that might not occur due to the provisions in the bill. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$255.54 in a misdemeanor case in fiscal year 2014.

This bill could also have a fiscal impact on counties by reducing costs due to the reduced criminal charges.

Long-Range Fiscal Implications