

Fiscal Estimate Narratives

SPD 10/7/2015

LRB Number	15-0771/5	Introduction Number	SB-280	Estimate Type	Original
Description Age at which a person who is alleged to have violated a criminal law, a civil law, or a municipal ordinance and who has not been charged with certain violent offenses, and has not, after previously being convicted of a crime or adjudicated delinquent, been charged with a crime or alleged in a complaint or citation to have violated a civil law or municipal ordinance, is subject to juvenile court jurisdiction					

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 raises the age from 17 to 18, with some exceptions, the age at which a defendant is treated as a juvenile versus an adult in the criminal justice system. Exceptions include when the defendant has previously been adjudicated delinquent, when the defendant has previously been convicted of an adult crime, or when the present charge is considered a serious offense as defined by the bill.

The SPD currently provides representation for defendants in all of these case types. The SPD's average cost to provide representation with a private bar attorney in a juvenile case was \$201.61, calculated on the basis of the SPD's average cost per case in fiscal year 2014. The comparable adult case type average in a misdemeanor case was \$255.54. The SPD's average cost to provide representation with a private bar attorney in a felony juvenile case was \$407.85, calculated on the basis of the SPD's average cost per case in fiscal year 2014. The comparable adult case type average in a felony case was \$551.02.

It is impossible to quantify, but based on average cost per case type of adult versus juvenile, there would likely be a cost savings for cases in which the defendant is treated as a juvenile under this bill rather than an adult under current statute.

This bill could also have a fiscal impact on 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.

Long-Range Fiscal Implications