

### Fiscal Estimate - 2015 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>15-1376/1</b>	Introduction Number <b>AB-0029</b>
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**Description**  
 Limiting the authority of a law enforcement officer to arrest someone for sleeping or camping in a county park, authorizing local ordinances to prohibit overnight sleeping or camping in a county park, and providing a penalty

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes
  - No
- Decrease Costs

**Local:**

- No Local Government Costs
  - Indeterminate
    - 1.  Increase Costs
      - Permissive
      - Mandatory
    - 2.  Decrease Costs
      - Permissive
      - Mandatory
    - 3.  Increase Revenue
      - Permissive
      - Mandatory
    - 4.  Decrease Revenue
      - Permissive
      - Mandatory
5. Types of Local Government Units Affected
- Towns
  - Villages
  - Cities
  - Counties
  - Others
  - School Districts
  - WTCS Districts

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR  
  FED  
  PRO  
  PRS  
  SEG  
  SEGS

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## Fiscal Estimate Narratives

SPD 2/18/2015

LRB Number	15-1376/1	Introduction Number	AB-0029	Estimate Type	Original
<b>Description</b> Limiting the authority of a law enforcement officer to arrest someone for sleeping or camping in a county park, authorizing local ordinances to prohibit overnight sleeping or camping in a county park, and providing a penalty					

### 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, with some exceptions, does not allow a person who is suspected of sleeping in an area of a county park in which the county has prohibited overnight sleeping or overnight camping to be arrested by a state or local law enforcement officer. This bill authorizes a political subdivision to enact and enforce an ordinance prohibiting a person from sleeping in a county park in an area designated as an area in which overnight sleeping or camping is prohibited. The ordinance must specify that the penalty for violating such an ordinance is a forfeiture of not less than \$10 nor more than \$200, plus costs. The ordinance must also specify that a person convicted of violating such an ordinance and who does not pay the forfeiture may be sentenced to be incarcerated in a county jail or county house of corrections for not more than 90 days.

Any bill that decriminalizes a law has the potential to reduce the number of cases and costs for providing legal representation. This bill could have a fiscal impact for the SPD, but that cannot be quantified. It will largely be driven by how many individuals convicted of violating the ordinance do not pay the forfeiture. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$255.54 in fiscal year 2014.

Counties could experience additional incarceration costs in the event individuals do not pay the forfeiture required. In addition, counties could experience additional costs in those cases where clients do not meet the eligibility requirements for SPD representation, but are constitutionally entitled to counsel and thus the court appoints counsel at county expense.

### Long-Range Fiscal Implications