

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-3138/1	Introduction Number AB-0378	
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		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input checked="" type="checkbox"/> Decrease Costs </div> </div>		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 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 </div> </div>		
Fund Sources Affected	Affected Ch. 20 Appropriations	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.550(1)(b), 20.550(1)(c), 20.550(1)(d)		
Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

SPD 11/27/2015

LRB Number	15-3138/1	Introduction Number	AB-0378	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, at which a defendant is treated as a juvenile versus an adult in the criminal justice system. Exceptions include whether the defendant has previously been adjudicated delinquent, or if 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, a cost savings may result 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