

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-0961/1	Introduction Number AB-0043
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Description
 Obtaining a search warrant for certain civil violations

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs		
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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	

Agency/Prepared By SPD/ Anna Oehler (608) 267-0311	Authorized Signature Adam Plotkin (608) 264-8572	Date 2/18/2015
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Fiscal Estimate Narratives

SPD 2/18/2015

LRB Number	15-0961/1	Introduction Number	AB-0043	Estimate Type	Original
Description Obtaining a search warrant for certain civil violations					

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 proceedings. The SPD plays a significant 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 allows a court, upon finding of probable cause, to authorize a search warrant that allows a law enforcement officer to search and seize anything that is the fruit of, or has been used in, the commission of a crime or of a civil violation of the prohibitions against driving while under the influence.

The SPD does not provide representation for civil offenses, which relates to first offense OWI convictions so costs associated with this bill would be minimal to the SPD. Currently, a search warrant is required for OWI related blood draws, which are defined as a type of "search and seizure" (Missouri vs. McNeely).

Counties and cities are also subject to increased court costs to issue the search warrant and law enforcement officers to complete the search and seizure of potential evidence.

Long-Range Fiscal Implications