

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number 15-2535/1	Introduction Number SB-199
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Description
Possession of firearms by individuals who commit multiple or violent misdemeanor offenses and providing a criminal 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 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
5. Types of Local Government Units Affected
- Towns Village 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 6/22/2015

LRB Number	15-2535/1	Introduction Number	SB-199	Estimate Type	Original
Description Possession of firearms by individuals who commit multiple or violent misdemeanor offenses and providing a criminal 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 sets a minimum period of confinement in prison for a person if they were convicted of certain violent felonies and violates the prohibition on possessing a firearm, then he or she must be sentenced to at least three years of confinement in prison. If the person is convicted of using a firearm to commit certain violent Class A to Class G felonies, he or she must be sentenced to at least five years of confinement in prison. If a person is convicted of using a firearm to commit certain violent Class H or Class I felonies, he or she must be sentenced to at least three years or at least one year and six months, respectively, of confinement in prison. The bill contains a sunset provision that eliminates the mandatory minimum period of confinement for sentences imposed on or after July 1, 2020. The bill also creates a newly defined list of "violent felony" crimes.

As being a felon in possession of a firearm is currently a crime which a person may financially qualify for public defender representation, the bill is unlikely to increase the number of cases handled by the SPD. The bill may increase the complexity or length of a case due to increased sentence severity.

Counties may have increased costs for changes resulting from this bill related to setting minimum periods of confinement since the length of the case may increase due to the complexity and sentence severity. The SPD is unable to estimate the costs associated with the sentencing periods identified in this bill.

Long-Range Fiscal Implications