

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-3882/1	Introduction Number SB-452	
Description Invasions of privacy and providing a criminal penalty		
Fiscal Effect		
<p>State:</p> <p><input type="checkbox"/> No State Fiscal Effect</p> <p><input checked="" type="checkbox"/> Indeterminate</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p><input type="checkbox"/> Increase Existing Appropriations</p> <p><input type="checkbox"/> Decrease Existing Appropriations</p> <p><input type="checkbox"/> Create New Appropriations</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> Increase Existing Revenues</p> <p><input type="checkbox"/> Decrease Existing Revenues</p> </div> <div style="width: 30%;"> <p><input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Decrease Costs</p> </div> </div>		
<p>Local:</p> <p><input type="checkbox"/> No Local Government Costs</p> <p><input checked="" type="checkbox"/> Indeterminate</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>1. <input checked="" type="checkbox"/> Increase Costs</p> <p style="margin-left: 20px;"><input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory</p> <p>2. <input type="checkbox"/> Decrease Costs</p> <p style="margin-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> </div> <div style="width: 30%;"> <p>3. <input type="checkbox"/> Increase Revenue</p> <p style="margin-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> <p>4. <input type="checkbox"/> Decrease Revenue</p> <p style="margin-left: 20px;"><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory</p> </div> <div style="width: 30%;"> <p>5. Types of Local Government Units Affected</p> <p><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities</p> <p><input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others</p> <p><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts</p> </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		
Agency/Prepared By	Authorized Signature	Date
SPD/ Anna Oehler (608) 267-0311	Adam Plotkin (608) 264-8572	12/23/2015

Fiscal Estimate Narratives

SPD 12/23/2015

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Description Invasions of privacy 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 increases the penalties from a misdemeanor to a felony for certain criminal invasions of privacy. The bill specifies the invasion of privacy if the victim is under the age of 18 when the violation occurred.

It is possible that given the new criminal charges, the SPD will see an increase in the number of cases in which it provides representation. We are unable, however, to quantify the number of cases that might occur due to the provisions in the bill and how many people would meet the eligibility requirements for SPD services. The SPD's average cost to provide representation with a private bar attorney in a felony case was \$551.02 in fiscal year 2014.

Because probation or prison could be ordered upon conviction for the proposed crime, this change could indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill could indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2014 for SPD representation by a private bar attorney in a revocation proceeding was \$294.04.

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. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications