



## Fiscal Estimate Narratives

SPD 2/22/2016

LRB Number	15-0145/1	Introduction Number	SB-745	Estimate Type	Original
<b>Description</b> Uniform Act on Prevention of and Remedies for Human Trafficking 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 incorporates parts of the Uniform Act on Prevention of and Remedies for Human Trafficking that are not in current law including: 1. ineligibility for state contracts by an entity that commits a trafficking offense. 2. provision of training by law enforcement on identification and providing forms to an individual who may qualify under federal law for a nonimmigrant visa or continued presence due to being a victim of a trafficking offense. 3. increase the maximum term of imprisonment for a trafficking offense to be increased by up to five years if the person obtained the victim from a shelter that serves victims of human trafficking, domestic violence or sexual assault, runaway youth or the homeless. 4. allowance for victims of human trafficking to apply for crime victim compensation from the Department of Justice regardless of immigration status.

It is possible that given the additional provisions add to the existing criminal charge, 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 of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

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