



## Fiscal Estimate Narratives

SPD 3/18/2017

LRB Number	17-1921/1	Introduction Number	AB-0093	Estimate Type	Original
<b>Description</b> expungement of certain offenses committed before the age of 25 and making an appropriation					

### 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.

Under current law, a court may order that a record be expunged for certain offenses that a person committed before the age of 25. Current law specifies that the expungement order must be made only at sentencing and then the record is expunged when the person completes his or her sentence. This bill eliminates, for most offenses, the requirement that the sentencing court make the expungement order at sentencing and allows instead that such a person may petition the court for expungement no sooner than one year after completing his or her sentence. Under this bill, the fee for filing the petition is \$100. SPD is not authorized to provide representation for the petition.

SPD may see some costs associated with former clients requesting files to apply for expungement but a total cost is indeterminate.

### Long-Range Fiscal Implications