

Fiscal Estimate Narratives

SPD 6/7/2017

LRB Number 17-2239/1	Introduction Number AB-0331	Estimate Type Original
Description expungement of records of certain crimes		

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 eliminates the requirement that the court can order expunction only at sentencing and allows the individual wishing to have their record expunged to petition the court for expunction after completion of their sentence. In order for the person to be eligible for expunction, they must have successfully completed their sentence; paid all fines, costs, fees surcharges, and restitution; and have no pending charges against. If the court does not grant expunction, the person may file a subsequent petition no sooner than two years after the previous petition.

This bill also provides that if a person's court record is expunged, the Department of Justice must redact any record of that crime when DOJ responds to a records request. Finally, this bill also provides that, if a record is expunged of a crime, that the crime is not considered a conviction for employment purposes.

SPD may see some costs associated with former clients requesting files to apply for expunction but a total cost is indeterminate and likely able to be absorbed in the agency budget.

Long-Range Fiscal Implications