

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-1377/1	Introduction Number SB-078
-----------------------------	--

Description
 expungement of records of certain crimes and discrimination based on expunged conviction

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Counties <input type="checkbox"/> Others
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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 20.550	

Agency/Prepared By	Authorized Signature	Date
SPD/ Martina Allen (608) 267-7734	Adam Plotkin (608) 264-8572	3/16/2021

Fiscal Estimate Narratives

SPD 3/16/2021

LRB Number: 21-13771	Introduction Number SB-078	Estimate Type Original
Description expungement of records of certain crimes and discrimination based on expunged conviction		

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, if a person who has not previously committed a felony commits a crime before the age of 25 that carries a maximum imprisonment term of six years or less, the court may, at sentencing, order the expungement of the criminal record upon completion of his or her sentence.

This bill removes the age criteria for expungement and allows a person to request expungement from the sentencing court at least one year after successful completion of his or her sentence if it was not ordered at the time of sentencing. If the court denies the first petition, the person may file a second petition two years after they filed the first petition and pay a \$100 fee to the county. A person may not file more than two petitions per crime and is limited to one criminal record expungement. This bill also allows the sentencing court to order a person's record ineligible for expungement and makes certain traffic crimes ineligible for expungement.

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