

Fiscal Estimate Narratives

SPD 9/6/2005

LRB Number	05-3495/1	Introduction Number	SB-315	Estimate Type	Original
Subject					
Retention and testing of DNA evidence; time limits for prosecution of a crime related to a sexual assault; procedures for using an eyewitness to identify a suspect; recording custodial interrogations					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill does not create new criminal offenses for which SPD will be required to appoint attorneys. However, it does enlarge the time period within which certain prosecutions may be commenced (charges related to sexual assaults). Thus, SPD is likely to see increased costs from an increased number of cases. We cannot determine the number of new cases that may result from this provision of the bill.

The bill also includes major procedural changes regarding interrogation and identification of suspects. These provisions could simplify court proceedings by eliminating or reducing uncertainty about the interrogation techniques and identification procedures. Conversely, the provisions could result in the need for defense attorneys to investigate whether law enforcement complied with the new procedures and, if not, whether there was a valid reason for the lack of compliance in the specific case. Thus, the SPD cannot predict whether the agency would see either a cost savings or a cost increase attributable to the bill.

Long-Range Fiscal Implications