

Fiscal Estimate Narratives

SPD 11/30/2005

LRB Number	05-2227/3	Introduction Number	SB-450	Estimate Type	Original
Description Construction liens, requirements for securing payment for work on publicly financed projects, and providing a penalty					

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 expand the scope of individuals who could be subject to criminal charges under the existing statutes prohibiting theft by a contractor. Thus, the SPD could see an increase in the number of these theft cases, although the defendants in these cases tend to have business-related income and assets that exceed the SPD financial eligibility criteria.

Costs to counties may also result from appointment of counsel for defendants ineligible for SPD, but constitutionally entitled to representation under State v. Dean. Incarceration costs may also occur for defendants held in jail (both pending court hearings and serving sentences).

We are not aware of any existing data to predict the number of new cases resulting from this bill, but we could track this number in the future.

Long-Range Fiscal Implications