

Fiscal Estimate Narratives
SPD 6/3/2005

LRB Number 05-1373/1	Introduction Number AB-444	Estimate Type Original
Subject Having another person ejaculate or emit feces or urine for the purpose of sexual gratification		

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 would increase SPD costs because it creates a new criminal offense for which the SPD would provide legal representation. It also increases the severity of some offenses from misdemeanors to felonies. Although we lack any data to determine the number of cases that would be charged, we could track the number of charges under the new law after it takes effect. The counties' sheriff's departments would likely see increased costs for incarceration of persons, both pending disposition of charges and as part of their sentences.

Long-Range Fiscal Implications