

Fiscal Estimate Narratives

SPD 4/17/2006

LRB Number	05-4321/3	Introduction Number	AB-1181	Estimate Type	Original
Description Mercury in drugs, prohibiting different insurance coverage of immunizations for children on the basis of the amount of mercury contained in the vaccine used, 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 would create a new criminal offense for which SPD would be required to appoint attorneys. The new criminal offense is the administration of vaccines that contain an excessive concentration of mercury. Thus, most defendants for the new offense would likely be employees or officers of health care providers, who would likely exceed the SPD's strict financial eligibility criteria. Therefore, in light of the likely demographics of the defendants under this bill, it is unclear whether the SPD would see any additional cases.

Costs to counties would result from appointment of counsel for defendants ineligible for SPD, but constitutionally entitled to representation under *State v. Dean*. Incarceration costs would also occur for defendants held in jail (both pending court hearings and serving sentences). However, because of the likely demographics of defendants under this bill, it is unclear whether the counties would see additional costs in these areas.

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