

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-0740/1	Introduction Number AB-30
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Subject
 First degree sexual assault of a child; sex predator commitments

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"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

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

Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572	Date 2/1/2005
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Fiscal Estimate Narratives
SPD 2/2/2005

LRB Number 05-0740/1	Introduction Number AB-30	Estimate Type Original
Subject First degree sexual assault of a child; sex predator commitments		

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.

The intent of this bill appears to be to discontinue new chapter 980 civil commitment petitions. This provision would result in an annual savings to SPD of \$139,950, which represents the annual cost of SPD representation in 26 such proceedings.

However, these savings might be offset by increased costs in representing clients in sexual assault proceedings. This bill increases the maximum term of imprisonment for first-degree sexual assault of a child by 5 years (by creating a new AB class of felony, with a maximum term of imprisonment of 65 years and maximum initial term of confinement of 45 years). It is likely that because of the higher penalty range and because of the removal of chapter 980 as a back-end safeguard for high-risk offenders, harsher sentences will be imposed in many sexual assault cases. Thus, SPD may incur additional costs in providing representation in sentencing proceedings, related to mitigation specialists and expert witnesses (either or both of whom might be necessary to present a treatment plan to the court in support of a SPD sentencing recommendation). These additional costs cannot be quantified presently, but SPD could estimate them in the future if this proposal is enacted.

Long-Range Fiscal Implications