

Fiscal Estimate Narratives

SPD 11/23/2005

LRB Number 05a1201/1	Introduction Number AA3-AB618	Estimate Type Supplemental
Description Child safety restraint systems, safety belt use requirements in motor vehicles, 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.

Although this bill does not create a new criminal offense for which SPD will be required to appoint attorneys, it does expand the definition of the forfeiture offenses for which police may stop motorists, upon reasonable suspicion of a violation. If there are increased numbers of traffic stops, a high probability exists that some of the traffic stops will yield evidence of criminal offenses, such as operating while intoxicated (second or subsequent offense) or possession of a controlled substance.

Thus, SPD is likely to see increased costs from an increased number of cases (again, not from the safety-restraint violation itself, but from criminal charges stemming from the initial stop in some cases).

Counties are likely to incur additional costs for appointment of attorneys under *State v. Dean* for defendants who do not meet SPD's strict financial criteria. Incarceration costs will also increase 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 or the additional attorney time resulting from this bill, but we could track these numbers in the future.

Long-Range Fiscal Implications