

Fiscal Estimate Narratives

SPD 7/19/2005

LRB Number 05-0139/4	Introduction Number SB-248	Estimate Type Original
Subject Harboring or aiding a felon		

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 an entirely new criminal offense for which SPD will be required to appoint attorneys, it does expand the definition of the offense and increase the penalties. Thus, SPD is likely to see increased costs from an increased number of cases and from additional attorney time related to the bill's requirement of mandatory imprisonment. There are also likely to be more contested hearings when charges are brought against family members of the alleged felon; many defendants are likely to contend that they were merely allowing their loved one to stay with them, rather than intentionally helping with any illegal activity.

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