

Fiscal Estimate Narratives

SPD 9/6/2005

LRB Number	05-3109/1	Introduction Number	SB-289	Estimate Type	Corrected
Subject					
Penalties for and supervision of certain sex offenders					

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 substantially increases the penalties. Thus, SPD is likely to see increased costs from increased attorney time related to the bill's requirement of mandatory life imprisonment and related to increased penalties for certain sexual assault charges. The increased penalties, including the mandatory life imprisonment provision, are likely to result in more trials.

Counties are likely to incur additional costs for incarceration of defendants held in jail pending court hearings. For the same reason that we can anticipate more trials, we can anticipate a longer average time between initial charge and disposition of the case.

In FY 2005, the SPD appointed counsel in 85 cases in which the defendant was charged with first-degree sexual assault. We do not have data available on the number of these defendants who had previous convictions for the same offense and thus would have been subject to the mandatory life imprisonment provision of this bill.

In FY 2005, the SPD appointed counsel in 1,265 cases in which the defendant was charged with second-degree sexual assault. We do not have data available on the number of these cases in which force was used or threatened against a victim between ages 13 and 16, which would trigger harsher penalties under this bill.

Long-Range Fiscal Implications