

Fiscal Estimate Narratives

SPD 11/1/2005

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|---|------------------|---------------------|---------------|---------------|-----------------|
| LRB Number | 05-3904/1 | Introduction Number | SB-408 | Estimate Type | Original |
| Description A mandatory term of confinement and the maximum term of imprisonment for certain child sex offenses and providing penalties | | | | | |

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 does not create new offenses, but it does significantly increase the minimum and maximum penalties for the specified sexual assault offenses. Thus, SPD may incur additional costs in providing representation both in trials and in sentencing proceedings. The sentencing proceedings related to the proposed exception to the otherwise applicable mandatory sentences would often require 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