

Fiscal Estimate Narratives

SPD 2/1/2006

LRB Number	05-4263/1	Introduction Number	SB-526	Estimate Type	Original
Description Sexual intercourse or sexual contact with a person who is under the influence of alcohol beverages 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.

This bill does not create a new criminal offense, but expands the scope of existing offenses for specified sexual assault offenses. Thus, SPD costs would be increased for each additional case in which SPD is required to appoint counsel. Because the charging document (criminal complaint) would not presumably differentiate between cases brought under current law as opposed to cases brought as a result of this bill, it will be difficult to determine the precise impact of the new statute.

Other state and county agencies will also incur increased costs as a result of additional court proceedings and jail inmates.

Long-Range Fiscal Implications