

Fiscal Estimate Narratives

SPD 2/14/2005

LRB Number	05-0756/1	Introduction Number	AB-82	Estimate Type	Original
Subject					
Age of adult criminal jurisdiction					

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 decrease the number of - or severity of - cases handled by SPD would decrease SPD costs.

This bill raises from 17 to 18 the age at which a person may be charged originally in adult criminal court, rather than juvenile court. The SPD provides representation in both adult criminal cases and in delinquency proceedings. The average cost differs for adult and juvenile delinquency cases. If cases currently being brought as adult cases against 17-year-olds were shifted to juvenile court, the SPD could potentially realize a savings because of the lower average cost of the juvenile cases.

However, the higher age of adult jurisdiction might lead to more requests for waiver of 17-year-olds into adult court under the law that allows the district attorney to petition for such a waiver. In those cases, the SPD needs to appoint counsel both for the waiver proceeding and for the subsequent proceedings in either the adult or juvenile court. The additional cost of waiver proceedings for a portion of the affected cases would partially offset the savings described in the preceding paragraph.

We project a net annual savings under this bill of \$153,900, based on the following assumptions:

- 1) 10% of the projected 151 ABC felonies, in which the client is 17 years of age at the time the case is opened, would not be subject to waiver proceedings and would instead be felony delinquency cases. The remaining 90% of ABCs would require waiver hearings, and 50% of those would be waived into adult court and charged as A, B or C felonies.
- 2) 75% of 1,829 other felonies would not be subject to waiver proceedings, and would instead be felony delinquency cases. 2/3s of the remainder would require waiver hearings, and 50% of those would be waived into adult court.
- 3) 90% of misdemeanors would not be subject to waiver proceedings, and would instead be juvenile-other cases. The remaining misdemeanors would not require waiver hearings.
- 4) No revocation cases would be subject to waiver proceedings, and would all be juvenile cases.

Long-Range Fiscal Implications