

Fiscal Estimate Narratives

SPD 5/17/2005

LRB Number 05-0742/1	Introduction Number AB-424	Estimate Type Original
Subject Forfeiture of computer equipment used in committing a crime against a child		

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 crime, but it authorizes the seizure and forfeiture of computer equipment in connection with certain crimes. A civil proceeding is required to forfeit the equipment. Although SPD does not appoint attorneys for these civil proceedings, the SPD-appointed attorney on the related criminal case may conclude that he or she has an ethical obligation to provide limited assistance or advice regarding the civil matter. At a minimum, the SPD-appointed attorney will ordinarily answer the client's basic questions and provide information about the relationship between the criminal case and the civil case.

Other state, county, and municipal agencies may incur some costs relative to the additional civil proceedings. The value of the computer equipment forfeited might offset all or part of the costs for some agencies.

Long-Range Fiscal Implications