

Fiscal Estimate Narratives

SPD 6/8/2005

LRB Number 05-3057/1	Introduction Number AB-459	Estimate Type Original
Subject Graffiti		

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 criminal offenses; however, it lowers the dollar threshold of property damage that defines a felony offense from 2,500 to 1,000. Felony offenses carry potential prison sentences and on average entail significantly more attorney time and expense than misdemeanor cases. For this reason (and in an effort to decrease SPD costs), SPD has in the past submitted budget requests to increase the dollar threshold for property offenses.

SPD cannot estimate the number of cases that would be charged under the new felony-level offense, but we could track the cases after the bill takes effect.

Counties could incur additional jail costs related to both pretrial incarceration and sentences in felony cases.

Long-Range Fiscal Implications