## Fiscal Estimate - 2005 Session

Original Updated	Corrected Su	oplemental			
LRB Number <b>05-4630/1</b>	Introduction Number AB-1	023			
<b>Description</b> Discovery in implied consent cases involving drunken driving and in certain prosecutions for alcohol beverage violations					
Fiscal Effect					
Appropriations Rev	ease Existing enues rease Existing enues  The provided HTML rease Costs - Ma to absorb within age enues  The provided HTML rease Costs - Ma to absorb within age The provided HTML rease Costs	y be possible ncy's budget \to No			
No Local Government Costs  ☐ No Local Government Costs ☐ Indeterminate ☐ 1. ☐ Increase Costs ☐ Permissive ☐ Mandatory ☐ Permissive ☐ Mandatory ☐ Decrease Costs ☐ A. ☐ Decrease Revenue ☐ Decrease Costs ☐ Permissive ☐ Mandatory ☐ Permissive ☐ Mandatory ☐ Decrease Costs ☐ Decrease Revenue ☐ Decrease Costs ☐ Decrease Costs ☐ Decrease Revenue ☐ Districts ☐ Districts ☐ Districts					
Fund Sources Affected  Affected Ch. 20 Appropriations  GPR FED PRO PRS SEG SEGS					
Agency/Prepared By	Authorized Signature	Date			
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## Fiscal Estimate Narratives SPD 2/16/2006

LRB Number <b>05-4630/1</b>	Introduction Number	AB-1023	Estimate Type	Original	
<b>Description</b> Discovery in implied consent cases involving drunken driving and in certain prosecutions for alcohol beverage violations					

## **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 relates primarily to non-criminal proceedings involving alleged refusal to submit to chemical tests under the implied consent law. The SPD does not provide direct representation in these proceedings, but does provide representation in criminal cases charging operating while intoxicated (OWI). In these cases, the SPD follows the criminal discovery process to obtain discoverable materials regarding the incident in question. Similarly, the SPD does not provide direct representation in non-criminal forfeiture proceedings, such as underage drinking. Thus, this bill is unlikely to affect SPD practice or costs.

SPD cannot determine whether this bill would have a fiscal impact on other agencies.

Long-Range Fiscal Implications