## Fiscal Estimate - 2005 Session

Original	Updated	ected 🗵	Supplemental
LRB Number <b>05a1131/1</b>	Introducti	on Number	AA2-AB618
<b>Description</b> Child safety restraint systems, safet	y belt use requirements in moto	r vehicles, and pro	oviding a penalty
Fiscal Effect			
State:  No State Fiscal Effect Indeterminate Increase Existing Appropriations Decrease Existing Appropriations Create New Appropriations	Increase Existing Revenues Decrease Existing Revenues		Lance 1
Local:  No Local Government Costs Indeterminate  1. Increase Costs Permissive Mandatory 2. Decrease Costs Permissive Mandatory	3. Increase Revenue y Permissive Mandatory 4. Decrease Revenue y Permissive Mandatory	☐ Counties	
Fund Sources Affected  GPR FED PRO	PRS SEG SEGS	ffected Ch. 20 Ap	ppropriations
Agency/Prepared By	Authorized Signat	ure	Date
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## Fiscal Estimate Narratives SPD 11/23/2005

LRB Number	05a1131/1	Introduction Number AB618	AA2-	Estimate Type	Supplemental	
<b>Description</b> Child safety restraint systems, safety belt use requirements in motor vehicles, 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.

Although this bill does not create a new criminal offense for which SPD will be required to appoint attorneys, it does expand the definition of the forfeiture offenses for which police may stop motorists, upon reasonable suspicion of a violation. If there are increased numbers of traffic stops, a high probability exists that some of the traffic stops will yield evidence of criminal offenses, such as operating while intoxicated (second or subsequent offense) or possession of a controleed substance.

Thus, SPD is likely to see increased costs from an increased number of cases (again, not from the safety-restraint violation itself, but from criminal charges stemming from the initial stop in some cases).

Counties are likely to incur additional costs for appointment of attorneys under State v. Dean for defendants who do not meet SPD's strict financial criteria. Incarceration costs will also increase for defendants held in jail (both pending court hearings and serving sentences).

We are not aware of any existing data to predict the number of new cases or the additional attorney time resulting from this bill, but we could track these numbers in the future.

**Long-Range Fiscal Implications**