

Fiscal Estimate Narratives

SPD 10/10/2005

LRB Number	05-0090/3	Introduction Number	AB-736	Estimate Type	Original
Subject					
Drug-free construction sites					

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 creates a new criminal offense for which SPD will be required to appoint attorneys. The new criminal offense is for employers who violate the drug testing requirements, not for the employees who fail the drug tests. Thus, most defendants for the new offense would likely exceed the SPD's strict financial eligibility criteria.

Costs to counties will result from appointment of counsel for defendants ineligible for SPD, but constitutionally entitled to representation under State v. Dean. Incarceration costs will also occur 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 resulting from this bill, but we could track this number in the future.

Long-Range Fiscal Implications