

Fiscal Estimate Narratives

SPD 12/28/2005

LRB Number	05-4193/1	Introduction Number	SB-477	Estimate Type	Original
Description Licensing midwives, granting rule-making authority, 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.

This bill creates a new criminal offense for which SPD will be required to appoint attorneys. The new criminal offense is a regulatory offense, which may limit the number of cases brought and the number of defendants who qualify for SPD representation under the SPD's strict financial eligibility criteria. The average cost per SPD misdemeanor in fiscal year 2005 was \$233.61.

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