

Fiscal Estimate Narratives

SPD 2/16/2006

LRB Number	05-4160/1	Introduction Number	SB-592	Estimate Type	Original
Description 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