

Fiscal Estimate Narratives

SPD 3/10/2006

LRB Number	05-4420/1	Introduction Number	AB-1097	Estimate Type	Original
Description Repeat drunken driving offenders 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 an entirely new criminal offense for which SPD will be required to appoint attorneys, it increases penalties for certain repeat offenses of operating under the influence of alcohol and/or controlled substances. Thus, SPD is likely to see increased costs from increased attorney and client service specialist time related to the bill's increased penalty provisions. The higher penalties may result in more trials.

Counties are likely to incur additional costs for incarceration of defendants held in jail pending court hearings and serving sentences.

Long-Range Fiscal Implications