



## Fiscal Estimate Narratives

SPD 4/17/2006

LRB Number	05-3865/1	Introduction Number	AB-1166	Estimate Type	Original
<b>Description</b> Threatening or committing battery against certain employees of 1st class cities 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 would not create an entirely new crime, it changes the severity of certain battery offenses from misdemeanors to felonies. Felony cases are more expensive for the SPD because they require more attorney time than do misdemeanors. (FY05 averages are \$233.61 for misdemeanors & \$573.92 for a "regular" felony).

This bill not only would increase the penalties by raising the classification to a felony offense, it would also add two legal elements not presently applicable in misdemeanor battery cases: the defendant's knowledge of the victim's employment status and the activity in which the victim was engaged at the time. Thus, case preparation and litigation would likely be more time-consuming to address the factual and legal issues related to these new legal elements.

Since misdemeanor cases are not presently tracked, either by SPD or the court system's CCAP database, according to the employment status of the alleged victim, the SPD does not have data available to estimate the likely number of prosecutions under this bill.

Counties would likely have increased jail costs for longer incarceration awaiting trial or sentencing and increased costs for appointment of counsel for defendants who exceed the financial eligibility limits for the SPD.

### Long-Range Fiscal Implications