

Fiscal Estimate Narratives
SPD 2/1/2005

LRB Number 05-0777/1	Introduction Number AB-48	Estimate Type Original
Subject Possession, in the presence of children, of drug paraphernalia for making methamphetamine		

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.

Currently, because possession of paraphernalia is classified as a misdemeanor, these cases are less time consuming and costly than felony cases.

This bill increases the penalty to a felony which would require the SPD to retain experts in some cases to evaluate clients and report to court on their prospects for rehabilitation. Additional attorney time would also be required. DOC may have increased incarceration and supervision costs.

Counties may have increased jail costs for longer incarceration awaiting trial or sentencing.

Long-Range Fiscal Implications