

Fiscal Estimate Narratives
SPD 11/29/2005

LRB Number 05-2157/1	Introduction Number AB-838	Estimate Type Original
Description Voluntary intoxication as a defense to criminal liability		

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 does not create a new crime or amend the penalty structure for any existing criminal offense. However, it does propose to narrow the potential defense of intoxication by eliminating the defense of voluntary intoxication. This change could indirectly increase the time that attorneys spend defending cases, by necessitating litigation over the nature of the alleged intoxication (voluntary or involuntary) in a given case. Expert witnesses on chemical dependency might be required in additional cases, with a resulting cost to the SPD.

If this change results in more criminal convictions, it could also increase county costs for incarceration of inmates in county jails.

Long-Range Fiscal Implications