



## Fiscal Estimate Narratives

SPD 2/7/2006

LRB Number	<b>05-4368/1</b>	Introduction Number	<b>AB-989</b>	Estimate Type	<b>Original</b>
<b>Description</b> The controlled substance ecstasy and providing penalties					

### 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 a new criminal offense, it does increase penalties for the existing offense of possession of ecstasy. This bill increases the penalty for second offense to a felony, which increases the attorney time (and accompanying cost) necessary to provide representation. The penalties for first offense are also increased, although the offense remains in the misdemeanor category.

DOC may have increased incarceration and supervision costs.

Counties may have increased jail costs for longer incarceration awaiting trial, awaiting sentencing, or as a sentence.

SPD does not have comprehensive data on the specific controlled substances allegedly possessed in SPD cases. Cases are charged under the same statute number for several different controlled substances. However, in the future, SPD could track the number of new felony cases attributable to this bill.

### Long-Range Fiscal Implications