



## Fiscal Estimate Narratives

SPD 12/9/2005

LRB Number	05-3459/2	Introduction Number	SB-468	Estimate Type	Original
<b>Description</b> Administration of elections, making an appropriation, 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.

This bill creates new criminal offenses for which SPD will be required to appoint attorneys. However, the new criminal offense would be a regulatory type of offense, which is the type of offense in which the defendant often exceeds the SPD's financial eligibility criteria.

SPD cannot estimate the number of cases that would be charged under the new criminal offenses, but we could track the cases after the new offenses take effect.

Counties could incur additional jail costs related to appointment of counsel, to pretrial incarceration, and to sentences in criminal cases.

### Long-Range Fiscal Implications