

Fiscal Estimate Narratives

SPD 3/11/2005

LRB Number	05-1128/1	Introduction Number	AB-172	Estimate Type	Original
Subject					
Rights of adult children of crime victims					

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 any new criminal offenses or change potential penalties. The bill expands the definition of family members under the victims'-rights law. Theoretically, this change could impact plea negotiations and sentencing hearings by including additional parties with whom the prosecutor must consult and who have the opportunity to present their opinions to the sentencing court. However, there is presently no prohibition against the prosecutor and court considering the wishes of the additional family members specified in the bill. Thus, adult children of crime victims often have access to the prosecutor and the sentencing court under current law. Therefore, the bill would probably not result in a significant fiscal impact on the agencies in the justice system.

Long-Range Fiscal Implications