Fiscal Estimate - 2005 Session

☑ Original ☐ Updated	☐ Corrected ☐ Supple	emental			
LRB Number 05-2095/1	Introduction Number AB-237	7			
Subject Drunken driving surcharge					
Fiscal Effect					
Appropriations Decrease Existing Appropriations Reverse Appropriations Create New Appropriations Local: No Local Government Costs Indeterminate 1. Increase Costs Permissive Mandatory Permissive Permissive	ease Existing enues rease Existing enues To absorb within agency enues Tyes Decrease Costs 5.Types of Local Government Units Affect Government Units Affect Towns Village Towns Counties Others Ease Revenue School	y's budget No No sted Cities			
Permissive Mandatory Pern	nissive Mandatory Districts Distric				
Fund Sources Affected Affected Ch. 20 Appropriations GPR FED PRO PRS SEG SEGS					
Agency/Prepared By	Authorized Signature	Date			
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Fiscal Estimate Narratives SPD 3/21/2005

LRB Number 05-2095/1	Introduction Number	AB-237	Estimate Type	Original
Subject				
Drunken driving surcharge				

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 criminal offense. If the bill does not change the number of criminal OWI cases filed statewide, the SPD would not see any cost increase attributable to an increased volume of OWI cases to defend. However, the increased surcharge amount may lead to more defendants being unable to pay the mandatory fines and costs. One option to try to collect unpaid monetary court obligations is to commence a contempt-of-court proceeding against the defendant. The defendant has a right to counsel in this proceeding, since the proceeding may result in incarceration. The SPD provides representation in contempt proceedings of this nature when the monetary obligation stems from a criminal case (and when the defendant is financially eligible).

The possibility of an increased number of contempt proceedings could also increase county sheriffs' costs, if the proceedings result in incarceration.

Long-Range Fiscal Implications