

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