

Fiscal Estimate Narratives

SPD 6/6/2005

LRB Number	05-2859/1	Introduction Number	AB-450	Estimate Type	Original
Subject					
Prohibited alcohol concentration for minors					

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 new criminal offenses. However, because of the higher forfeiture amounts, it may result in a greater number of unlicensed drivers (suspensions imposed for inability to pay higher forfeiture amounts). Suspension status may lead to revocation of license for multiple violations of operating after suspension. The SPD may be required to appoint counsel in additional cases of operating after revocation, which is a criminal traffic offense.

Counties could incur additional jail costs related to both pretrial incarceration and sentences in criminal cases (as an indirect result of the bill, for the same reason (explained above) that SPD could experience an increase in cases of operating revocation). Counties may also see an increase in contempt cases seeking to incarcerate defendants who fail to pay their forfeitures.

Long-Range Fiscal Implications