Fiscal Estimate - 2005 Session

	Original		Updated		Corrected	\boxtimes	Supplemental	
LRB	Number	05a0943/		Introd	duction Num	ber A	A1-AB618	
Descr i Child s		nt systems, safe	ety belt use require	ments in	motor vehicles,	and provi	iding a penalty	
Fiscal	Effect							
	No State Fiscondeterminate Increase E Appropria Decrease Appropria Create Ne	e Existing tions Existing	Increase E Revenues Decrease Revenues		to abs		s - May be possible n agency's budget No	
	Indeterminate I. Increase Permiss 2. Decrease	e Costs ive 🛛 Mandato	3. Increase R ry Permissive 4. Decrease I	Man Revenue	datory To		its Affected Village Cities Others WTCS Districts	
Fund S	Sources Affe	ected PRO	PRS SEG	☐ SE	Affected Ch	. 20 Арр	ropriations	
Agenc	y/Prepared I	Зу	Autho	orized S	ignature		Date	
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Fiscal Estimate Narratives SPD 11/23/2005

LRB Number	Introduction Number AB618	AA1-	Estimate Type	Supplemental						
Description Child safety restraint systems, safety belt use requirements in motor vehicles, 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.

Although this bill does not create a new criminal offense for which SPD will be required to appoint attorneys, it does expand the definition of the forfeiture offenses for which police may stop motorists, upon reasonable suspicion of a violation. If there are increased numbers of traffic stops, a high probability exists that some of the traffic stops will yield evidence of criminal offenses, such as operating while intoxicated (second or subsequent offense) or possession of a controleed substance.

Thus, SPD is likely to see increased costs from an increased number of cases (again, not from the safety-restraint violation itself, but from criminal charges stemming from the initial stop in some cases).

Counties are likely to incur additional costs for appointment of attorneys under State v. Dean for defendants who do not meet SPD's strict financial criteria. Incarceration costs will also increase for defendants held in jail (both pending court hearings and serving sentences).

We are not aware of any existing data to predict the number of new cases or the additional attorney time resulting from this bill, but we could track these numbers in the future.

Long-Range Fiscal Implications