

Fiscal Estimate Narratives
SPD 10/7/2005

LRB Number 05-3144/2	Introduction Number AB-702	Estimate Type Original
Subject Sexual assault of a child by a person responsible for children's programs		

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 an entirely new criminal offense for which SPD will be required to appoint attorneys, it does create a new category of sexual assault offenses and increase the penalties. Thus, SPD is likely to see increased costs from an increased number of cases and from additional attorney time related to the bill's requirement of mandatory imprisonment. There are also likely to be more contested hearings when charges are brought under the newly defined offense. Hearings, including trials, may focus on whether the alleged sexual contact occurred in connection with the defendant's role with the children's program or in an unrelated social context.

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