

Fiscal Estimate Narratives

DA 2/17/2016

LRB Number	15-4489/1	Introduction Number	AB-0908	Estimate Type	Original
Description Creating a Uniform Collateral Consequences of Conviction Act and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

This bill addresses the issue of collateral consequences to a conviction or finding of delinquency. Collateral consequence is defined as a disqualification or a penalty, disability, or disadvantage imposed by operation of law that a person suffers as a result of being convicted of, or found delinquent for, an offense. Under the bill, a person charged with or convicted of an offense must receive information about collateral consequences, and ways to obtain relief.

Prosecutors believe that this bill, should it be enacted, will have a significant fiscal impact on their offices. They anticipate a major increase in post-judgment motion hearings. Prosecutors state that the bill puts the burden on them to advise the defendant of all potential collateral consequences of a conviction without setting forth a basis for the prosecutor to know of all such consequences.

Prosecutors state that this bill will impact victims of crimes because the convictions would lack finality and victims would be forced to endure the post-judgment motions of defendants trying to get their convictions overturned. In addition, there are no time limits regarding when a defendant may raise the motion to set aside the conviction which will result in the potential loss of evidence/witnesses for the State when having to prosecute a case that was closed long ago.

While prosecutors believe this bill will have a fiscal impact on their offices, since there are no data regarding the potential number of post-judgment motion hearings, a fiscal estimate is indeterminate.

Long-Range Fiscal Implications

Prosecutors expect that this bill, should it be enacted, will result in a long-term fiscal impact on their offices, though a lack of data regarding the number of potential post-judgment motion hearings makes a fiscal estimate indeterminate.