

FISCAL ESTIMATE

DOA-2048 N(R10/98)

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject
Relating to Operating a Motor Vehicle While Intoxicated

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Increase Existing Revenues
- Decrease Existing Appropriation
- Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

20.410 (1)(a)(e)

Assumptions Used in Arriving at Fiscal Estimate

This bill revises the penalty structure for persons convicted of OWI. The potential penalties depend on the number of prior convictions and the offender's blood alcohol concentration (BAC). This fiscal estimate uses data provided by the Department of Transportation on the number of persons convicted of OWI in calendar year 1997 and assumes it is representative of future statistics. It does not include OWI offenders convicted of homicide or great bodily harm or those cases where the BAC is not known or a person refused the test.

Second Conviction

Current penalty is 5 days-6 months

BAC .15-.19

Penalty increases to 10 days-12 months

This affects 1,035 offenders and it is assumed that they will serve an average of 3 additional days in jail for a total of 3,105 days of jail incarceration.

BAC .20-.24

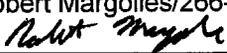
Penalty increases to 15 days-18 months

This affects 748 offenders and it is assumed that 90% (673) will still be sentenced to jail for an average of 8 additional

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
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Date
4/27/99

days which totals 5,384 days of jail incarceration. It is also assumed that 10% (75) of the offenders will be sentenced to serve at least one year in a state prison and three months of community supervision for an increase of 75 in the prison population and 19 on supervision. This increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 45 days for those offenders who will be sentenced to prison, there will be a decrease in jail days of 3,375 (75 x 45), thus resulting in a net increase of 2,009 days (30,285-3375) from this specific provision.

BAC .25 or above

Penalty increases to 20 days-2 years

This affects 359 offenders and it is assumed that 80% (287) will be sentenced to jail for an average of 10 additional days which totals 2,870 days of jail incarceration. It is also assumed that 20% (72) of the offenders will be sentenced to serve at least one year in a state prison and 6 months of community supervision for an increase of 72 in the prison population and 36 on supervision. This increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 60 days, there will be a decrease in jail days of 4,320 (72 x 60), thus resulting in a net decrease of 1,450 days (4,320-2,870) from this specific provision.

Third Conviction

Current penalty is 30 days-1 year

BAC .15-.19

Penalty increases to 60 days-2 years

This affects 641 offenders and it is assumed that 80% (513) will be sentenced to jail for an average of 30 additional days which totals 15,390 days of jail incarceration. It is also assumed that 20% (128) of the offenders will be sentenced to serve at least one year in a state prison and 6 months of community supervision for an increase of 128 in the prison population and 64 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 60 days, there will be a decrease in jail days of 7,680 (128 x 60), thus resulting in a net increase of 7,710 days (15,390-7,680) from this provision.

BAC .20-.24

Penalty increases to 90 days-3 years

This affects 596 offenders and it is assumed that 70% (417) will be sentenced to jail for an average of 60 additional days which totals 25,020 days of jail incarceration. It is also assumed that 30% (179) of the offenders will be sentenced to serve at least one year in a state prison and 6 months of community supervision for an increase of 179 in the prison population and 90 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 90 days, there will be a decrease in jail days of 16,110 (179 x 90), thus resulting in a net increase of 8,910 days (25,020-16,110) from this provision.

BAC .25 or above

Penalty increases to 120 days-4 years

This affects 331 offenders and it is assumed that 50% (166) will be sentenced to jail for an average of 90 additional days which totals 14,940 days of jail incarceration. It is also assumed that 50% (165) of the offenders will be sentenced to serve at least one year in a state prison and 6 months on community supervision for an increase of 165 in the prison population and 83 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 120 days, there will be a decrease in jail days of 19,800 (165 x 120), thus resulting in a net decrease of 4,860 days (19,800-14,940) from this provision.

Fourth Conviction

Current penalty is 60 days-1 year.

BAC .15-.19

Penalty increases to 120 days-2 years

This affects 189 offenders and it is assumed that 60% (113) will be sentenced to jail for an average of 60 additional days which totals 6,780 days of jail incarceration. It is also assumed that 40% (76) of the offenders will be sentenced to serve at least one year in a state prison and 6 months on community supervision for an increase of 76 in the prison population and 38 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 150 days, there will be a decrease in jail days of 11,400 (76 x 150), thus resulting in a net decrease of 4,620 days (11,400-6,780) from this provision.

BAC .2-.249

Penalty increases to 180 days-3 years

This affects 218 offenders and it is assumed that 25% (55) will be sentenced to jail for an average of 90 additional days which totals 4,950 days of jail incarceration. It is also assumed that 75% (163) of the offenders will be sentenced to serve at least one year in a state prison and 6 months on community supervision for an increase of 163 in the prison population and 82 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 160 days, there will be a decrease in jail days of 26,080 (163 x 160), thus resulting in a net decrease of 21,130 days (26,080-4,950) from this provision.

BAC .25 or above

Penalty increases to 240 days-4 years

This affects 152 offenders and it is assumed that 50% (76) of them will be sentenced to jail for an average of 120 days which totals 9,120 days of jail incarceration. It is also assumed that 50% of the offenders will be sentenced to serve at least one year in a state prison and 6 months on community supervision resulting in an increase in the prison population of 76 and 38 on supervision. The increase in the prison population will result in fewer offenders being sentenced to the county jail. Assuming the average length of stay is presently 200 days, there will be a decrease in jail days of 15,200 (76 x 200), thus resulting in a net decrease of 6,080 days (15,200-9,120) from this provision.

Fifth Conviction

Current penalty is 6 months-5 years

BAC .15-.19

Penalty increases to 1year-10 years

This affects 87 offenders and it is assumed that 20% (17) will be sentenced to jail for an average of 120 additional days which totals 1,479 days of jail incarceration. It is also assumed that 80% (70) of the offenders will be sentenced to serve 1.5 years in a state prison. Assuming a length of stay of 1 year under current law, this will result in 6 additional months in prison and a population increase of 35. Assuming a current length of stay of approximately 200 days for offenders sentenced to jail, there will be a decrease in jail days of 12,600 (70 x 180), thus resulting in a net decrease of 11,121 days (12,600-1,479) from this provision.

BAC .20-.24

Penalty increases to 1.5 years-15 years

This affects 90 offenders who we assume are sentenced to a state prison for one year under current law. It is estimated that this revised penalty will result in an average increase of 1 additional year in prison for a population increase of 90.

BAC .25 or above

Penalty increases to 2-20 years

This affects 75 offenders who we assume are sentenced to a state prison for one year under current law. It is estimated that this revised penalty will result in an average increase of 2 additional years in prison for a population increase of 150.

Net Population Increases and Costs

It is estimated that the aforementioned population increases will result in an increase of **1,209** in the state prison population. There will be **29,006** fewer days of jail incarceration.

Jails

If it is assumed that the average cost to house a person in a county jail is \$50/day, there will be an annual savings to counties of \$1,450,300 from this legislation

Prisons

Since our prisons are presently over capacity, one option to house a population increase of 1,209 would be the construction of a new 750 bed correctional institution and three 150 bed housing units at existing prisons. Construction costs are estimated at \$71,040,000. The funding for construction projects is usually obtained through general obligation bonding. Repayment of bonds would be spread over a period of 20 years and the loan repayment cost would be greater than the construction cost. Annual operating costs are estimated at \$23,423,500 and 450 staff would be required. One-time costs are \$1,772,800.

A second option would be the transfer of 1,209 additional inmates to out-of-state prisons. Assuming a daily rate of \$45, the annual cost of this option is estimated at \$19,857,800 and no construction costs.

Community Supervision

Based on the previously stated assumptions, it is estimated that the population on community supervision will increase by **450**. This will require 6 staff at an annual cost of \$361,500 and one-time expenditures of \$75,200.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 125 LRB-2513/1

Amendment No.

Subject
Relating to Operating a Vehicle While Intoxicated

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

\$1,848,000

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$16,621,900	\$ -
(FTE Position Changes)	(456 FTE)	(- FTE)
State Operations - Other Costs	7,163,100	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$23,785,000	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$23,785,000	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$20,219,300-23,785,000 \$- (1,450,000)

NET CHANGE IN REVENUES \$ \$

Agency/Prepared by: (Name & Phone No.) Department of Corrections	Authorized Signature/Telephone No. Robert Margolies/266-2931 <i>Robert Margolies</i>	Date 4/27/99
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