

1999 Session		
FISCAL ESTIMATE DOA-2048 N(R10/94)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	
LRB or Bill No./Adm. Rule No. SB 125/LRB-2513/1		
Amendment No. if Applicable		
Subject Operating a motor vehicle while under the influence of an intoxicant or drugs, or both; installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle; seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant; the prohibited alcohol concentration related to operating a motor vehicle while under the influence of an intoxicant; creating a safe-ride grant program; certain alcohol beverage offenses committed by persons under the legal drinking age; making an appropriation; and providing penalties		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input checked="" type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No local government costs		
1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Ch. 20 Appropriations s.20.475(1)(D)

Assumptions Used in Arriving at Fiscal Estimate
 This bill makes numerous changes in the OWI statutes. Some changes will decrease district attorney (DA) workload and some others will increase it. On balance a significant increase is anticipated.

Seizure of Vehicles: The expansion of the use of ignition interlock devices in lieu of seizure will reduce workload.

Blood alcohol concentration (BAC): The lowering of 3rd and subsequent OWI convictions' BAC to 0.02 from 0.08 will result in more trials being requested. Further, the lowering of the BAC will change the probable cause consideration that must be applied by law enforcement when considering a potential OWI charge. This will require a significant effort by the district attorneys office to educate law enforcement and will increase the likelihood of 3rd and subsequent convictions for OWI. The 2nd through 4th OWI convictions are now misdemeanors but all could become felonies under this bill with the multiplication of penalties it creates for high BACs. The 5th and subsequent OWI convictions are already are felonies. Felony convictions will result in the loss of hunting privileges. Thus this change increases the felony caseload of DA offices. Felony cases are more procedurally complex, requiring a preliminary hearing, and are more likely to result in a trial.

Safe-ride Grant: This should reduce the workload of DA offices.

Increased penalties for high BAC: The increase in penalties for higher levels of BAC will increase DA workloads, as it will encourage defendants to seek trials. This is especially true as some current misdemeanor OWI convictions would, with this enhancer, become felonies.

Mandatory operating privilege suspension: This will significantly increase the workload of DA offices. In those areas of the state where there is no municipal court, the DAs are responsible for handling these types of cases in circuit courts. These suspensions are relatively minor actions, but there is the potential for a large number of them to go to trial. Historically only 10 percent of under age drinking cases result in a suspension. This would rise to 100% under this bill. Also the lengthening of the suspension and revocation time period will result in an increased number of operating while revoked cases in the future.

One additional assistant district attorney will be required in 4 DA offices (Marathon, Washington, Sheboygan and La Crosse). Two additional ADAs per DA office will be requires in Brown, Racine, Outagamie, Winnebago, Rock, Kenosha. Three additional ADAs per DA office will be required in Waukesha and Dane. Nine additional ADAs will be required in Milwaukee. All position are assumed to be hired at the minimum a standard fringe benefit rate of 33% is applied.

The significant increase in cases going to trial will aslo require additional county funded DA support staff and other resources. County costs are assumed to be equal to the additional state cost.

Long-Range Fiscal Implications
 The actual impact of this bill would have to be very closely monitored to determine if further prosecutorial resources, beyond the initial 31 ADA positions, are needed.

Agency/Prepared by: (Name & Phone No.) DA/Stuart Morse (608) 267-2700	Authorized Signature/Telephone No. (608) 267-3836	Date April 29, 1999
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FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

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

Amendment No.

Subject

Operating a motor vehicle while under the influence of an intoxicant or drugs, or both; installation of an ignition interlock device in cases involving intoxicated operation of a motor vehicle; seizure of motor vehicles for offenses related to driving while under the influence of an intoxicant; the prohibited alcohol concentration related to operating a motor vehicle while under the influence of an intoxicant; creating a safe-ride grant program; certain alcohol beverage offenses committed by persons under the legal drinking age; making an appropriation; and providing penalties

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

None

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$1,145,300	\$ -
(FTE Position Changes)		(31 FTE)	(- FTE)
4	State Operations - Other Costs		-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category		\$1,145,300	\$ -
B. State Costs by Source of Funds			
GPR		\$1,145,300	\$ -
FED			-
PRO/PRS			-
SEG/SEG-S			-
III. State Revenues -		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$0	\$ -

NET ANNUALIZED FISCAL IMPACT

	<small>STATE</small>	<small>LOCAL</small>
NET CHANGE IN COSTS	\$1,145,300	\$1,145,300
NET CHANGE IN REVENUES	\$0	\$0

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Date

April 29, 1999