

BILL SUMMARY

AB 665: Counting Of Certain OWI Convictions

Date: March 29, 2000

BACKGROUND

Under current law, when sentencing a person who has been convicted of an OWI offense, the court is required to count the number of prior OWI offenses that the person has committed within certain time periods. OWI offenses are counted for the ten years preceding the current offense, unless the person has three or more prior convictions in their lifetime, in which case all prior offenses are counted.

Offenses that must be counted by the court for sentencing purposes include driving while under the influence of an intoxicant; driving while the person has a prohibited alcohol concentration; causing injury, great bodily harm or death while driving while under the influence of an intoxicant or while having a prohibited alcohol concentration; and improperly refusing to submit to a test to determine the alcohol concentration in the person's blood.

SUMMARY OF AB 665

Under AB 665, any person who has been convicted of causing great bodily harm or death while driving under the influence of an intoxicant or while having a prohibited alcohol concentration will have that offense counted as an OWI offense for sentencing purposes for their entire life.

FISCAL EFFECT

Fiscal estimates prepared by the Department of Justice, the State Public Defender's Office, and the Department of Health and Family Services indicated that AB 665 would have no fiscal effect on their operations.

A fiscal estimate prepared by the Department of Administration indicated that AB 665 might lead to increased workload for District Attorneys by possibly increasing the number of people who would seek a trial rather than agreeing to a plea bargain. DOA said that the increase in trials (if any) that results from the enactment of AB 665 should be closely monitored to determine if additional resources for DA's offices will be needed.

A fiscal estimate prepared by the Director of State Courts indicated that AB 665 might result in increased costs to the court system if more individuals affected by this bill chose to contest their cases. An exact estimate of this increase was not provided.

A fiscal estimate prepared by the Department of Transportation, Division of Motor Vehicles indicated that AB 665 would result in a one-time cost to DMV of \$6,220 in data processing costs to make changes to their computer system. DMV indicated that this increase could be absorbed within the agency's budget.

PROS

- 1. Causing serious injury or killing another person as a result of driving drunk is a serious offense, and one which should be taken into account in the future if the person commits another OWI offense.
- 2. Law enforcement officers testified that having this information available on an individual's driving record would help them make more informed decisions on how to handle an individual they may suspect of driving drunk. One officer testified that he once gave a ride home to a driver he suspected of being intoxicated after the man's driving record came up clean, only to find out later that the individual had been convicted of homicide by intoxicated use of a motor vehicle more than 10 years previously—information which was not available on the driver's record. Had the officer known of the man's history, he would have handled the situation very differently.

CONS

1. Some might argue that a person who has this information kept on their records permanently is being unfairly punished for a crime that they have already served a sentence for.

SUPPORTERS

Rep. Al Ott, author; Sen. Gary Drzewiecki, lead co-author; Rep. Jeff Stone; Bill Tyson, Calumet County Sheriff Dept.; Shelly Tyson, Clilton WI; Steven C. Werner, WI Professional Police Association; Casey Perry, WI Troopers Association; Maureen D Boyle, Walworth County District Attorney; Sen. Peggy Rosenzweig

OPPOSITION

Kenneth Naus, Cadott WI

HISTORY

Assembly Bill 665 was introduced on January 19, 2000 and referred to the Assembly Committee on Highway Safety. A public hearing was held on February 16, 2000. On March 2, 2000 the Committee voted 6-1-1 [Rep. Young voting no, Rep. Hasenohrl absent] to recommend passage of AB 665.

CONTACT: Mike Prentiss, Office of Rep. Jeff Stone

FISCAL ESTIMATE DOA-2048 N(R06/99)						LRB Number	
DOA-2048 N(R06/99)	F9	_		_		-0791/1	
	ORIGINAL CORRECT		UPDATE SUPPLE			Bill Number AB 665	•
Subject						Amendment No. if App	olicable
Counting Certain Conviction	ns in Drunk	Driving Ca	ases			Administrative Rule N	ımbar
						Administrative Nuie N	all iDei
Fiscal Effect							·
State: No State Fiscal Effect					1-		
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Create New Appropriation					☐ Decreas	e Costs	
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2. Decrease Costs	4. 🛘 De	crease Revenu		٠,	⊠ Cou		
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Fund Sources Affected	•		A	ffected	Chapter 20 App	propriations	
☐ GPR ☐ FED ☐ PRO	□PRS □ SI	EG SEG	-s		CT & CT.		***************************************
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			ctions in Drunk D						
I.	One-time Costs o	r Revenue Imp	pacts for State and	or Local Gov	ernment (de	o not inc	iuae in a	annualized fisc	загепест):
II.	Annualized Costs):						tate funds from:	
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	Local Assistar	ice							
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Pre	pared by: Sheryl Gervasi			Telephone No 608-26	6-6984			Agency D State	irector of $\{$

Telephone No.

2/4/00

Authorized Standature: Shery Derven

			1999 Session
		ATED	LRB or Bill No./Adm. Rule No. AB 665 (LRB0791/1)
DOA-2048 N(R10/94)	ORRECTED SUF	PLEMENTAL	Amendment No. if Applicable
Counting of certain convictions in drunk dr	riving cases.	tw.	you :
Fiscal Effect			
State: ☐ No State Fiscal Effect			
Check columns below only if bill makes a direct or affects a sum sufficient appropriation.	• • •	ı	e Costs - May be possible to Absorb Agency's Budget ⊠Yes □ No
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	Decrease Existing Revenu	es 🗆 Decrea	se Costs
☐ Create New Appropriation			
Local: No local government costs	7	1	
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Assumptions Used in Arriving at Fiscal Estimate Conclusion: 1. No position impact on DMV.			
2. One-time DP costs of \$6,220.			
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Homicide-Intoxicated (NHI) annually. GBH: 40 convictions and 32 drive NHI: 17 convictions and 15 withdr	In 1999: r license withdrawals	ioi Great Bodily Har	m (GBH) and Negligent
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Long-Range Fiscal Implications			
gency/Prepared by: (Name & Phone No.) OT/DMV Eileen Ostrowsky	Authorized Signate Roger D. Cross	ure/Telephone No.	Date -4/25/00,
(608) 266-1449	1 Jan	1. Close	2/2/00

FISC	CAL ESTIMATE WORKSHEET			199	9 Session
	led Estimate of Annual Fiscal Effect 2047 (R1298)	ORIGINAL CORRECTED	UPDATED SUPPLEMENTAL	LRB or Bill No./Adm. Rule N AB665 (LRB0791/1)	lo. Amendment No.
	ct Counting of certain convictions in d				
	One-time Costs or Revenue Impacts for \$ Processing Development of \$6,220	State and/or Local	Government (do not	include in annualized fisc	al effect):
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	Aids to Individuals or Organizations				-
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						1999 Session
	X	ORIGINAL		UPDATED		LRB or Bill No./Adm. Rule No. LRB 99-0791/1 AB 665
ISCAL ESTIMATE DOA-2048 N(R10/96)		CORRECTED		SUPPLEMENTAL		Amendment No. if Applicable
Subject Counting of certain convict	tions in druni	driving cas	es			
Fiscal Effect State: ☐ No State Fiscal	I Effoct					
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Agency/Prepared by: (Name & Public Defender/Gina Prus	Phone No.) ki/6-6782	A	V	Signature/Teleph	1	Date January 27, 2000

						1999 Session
	x	ORIGINAL		UPDATED		LRB or Bill No./Adm. Rule No. LRB 99-0791/1 AB 665
ISCAL ESTIMATE OA-2048 N(R10/96)		CORRECTED		SUPPLEMENTAL		Amendment No. if Applicable
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FISCAL ESTIMATE					
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DOA-2040 N(KU0/99)		ORIGINAL CORRECTED	UPDATED SUPPLEMENTAL	L	Bill Number AB 665
Subject Counting of certain convictions	s in drunk	driving cases			Amendment No. if Applicable
			,		Administrative Rule Number
Fiscal Effect State: No State Fiscal Effe Check columns below only if bill or affects a sum sufficient Increase Existing Appropriat Decrease Existing Appropria	l makes a d appropriati tion	ion.	isting Revenues	1	Costs - May be possible to Abso ency's Budget ⊠ Yes ☐ N
☐ Create New Appropriation				☐ Decrease	Costs
Local: No local governmen	t costs				
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☐ CORREC	TED	☐ SUPPLEM	MENTAL	Admin. Rule	e#		
Subject Counting of ce	ertain convictions in	drunk driving	g cases.				
Check colur	No State Fiscal Effect		propriation			☐ Increase Costs - May be pos	
or affe	ects a sum sufficient app	propriation.				Within Agency's Budget □	Yes 🗆 No
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⊠ ORIGINAL		UPDATED	INTRODUCT	ION # AB 665	
☐ CORRECTED		SUPPLEMENTAL	Admin. Rule #		
Subject Counting of certa	in conviction	s in drunk drivii	ng cases		
Fiscal Effect State: ⊠ No State Fisca					
Check columns below only or affects a sum suf			n ·	☐ Increase Costs - Mag Within Agency's Bud	
☐ Increase Existing Appr ☐ Decrease Existing App ☐ Create New Appropriat	propriation		isting Revenues xisting Revenues	☐ Decrease Costs	
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und Sources Affected				Ch. 20 Appropriations	LI VVI GO DISTINCIS
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is estimated that this bill	will have no	fiscal effect on	DHFS or on county I	numan services/social	services agencies.
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ong-Range Fiscal Implication	s:				
repared By: / Phone # /	Agency Name	e Auth	orized Signature / Telep	hone No.	Date 2 - / - OO
ndrew Forsaith / 266-768	4 / DHFS/OS	SF Johr	n Kiesow, 266-9622		3-6-00