

Fiscal Estimate - 2003 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 03-2951/2	Introduction Number AB-615
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Subject
 Purging OWI conviction records

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
 - Yes No
- Decrease Costs

Local:

- No Local Government Costs
- Indeterminate
 - 1. Increase Costs 3. Increase Revenue
 - Permissive Mandatory Permissive Mandatory
 - 2. Decrease Costs 4. Decrease Revenue
 - Permissive Mandatory Permissive Mandatory
- 5. Types of Local Government Units Affected
 - Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DOT 11/7/2003

LRB Number	03-2951/2	Introduction Number	AB-615	Estimate Type	Original
Subject					
Purging OWI conviction records					

Assumptions Used in Arriving at Fiscal Estimate

BACKGROUND AND SUMMARY

2003 Act 30 requires WisDOT to purge records of certain first offense Operating While Intoxicated (OWI) convictions from our records after 10 years. This new record purging requirement covers convictions under s. 346.63(1)(b) for having a prohibited alcohol concentration (PAC) with an alcohol concentration of .08 - .099. The law requires WisDOT to keep other OWI-type convictions for a person's lifetime.

AB 615 expands the 10-year record-purging requirement to cover all convictions under 346.63(1)(b) for having a prohibited alcohol concentration (PAC), regardless of alcohol concentration.

Neither 2003 Act 30, nor AB615, requires the purging of OWI-type convictions under s. 346.63(1)(a) after 10 years. Up until the passage of Act 30, convictions under s. 346.63(1)(a) and 1(b) were considered equal offenses and there were no practical differences if a person were convicted of either or both. Act 30 and AB615 cause an inequity in record keeping requirements for two offenses that are in all other ways equal.

In addition, Wisconsin criminal code requires consideration of all prior offenses for prosecution of multiple offenders. Neither Act 30 nor AB 615, relieves law enforcement, prosecutors and courts of this requirement. Instead, both Act 30 and AB 615 cause an inconsistency in the record keeping system these entities depend on most for prosecution and sentencing of impaired drivers.

It should also be noted that Act 30 exempts those convicted under s. 346.63(1)(b) for having a prohibited alcohol concentration (PAC) with an alcohol concentration of .08 - .099 from the alcohol and drug assessment required of all other OWI-type offenders and exempts them from paying additional fees and surcharges normally charged. AB 615 only addresses the record purging requirement and does NOT expand the assessment and monetary exemptions.

WisDOT estimates no costs associated with implementing this proposal.

Long-Range Fiscal Implications

None.