

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>05-2158/2</b>	<b>Introduction Number</b> <b>AB-331</b>
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**Description**  
 Operating a vehicle after revocation of a person's operating privilege and providing a penalty

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<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"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs	<b>5. Types of Local Government Units Affected</b>	
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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

<b>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 10/25/2005
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**Fiscal Estimate Narratives**  
**SPD 10/25/2005**

LRB Number <b>05-2158/2</b>	Introduction Number <b>AB-331</b>	Estimate Type <b>Original</b>
<b>Description</b> Operating a vehicle after revocation of a person's operating privilege and providing a penalty		

**Assumptions Used in Arriving at Fiscal Estimate**

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill does not create an entirely new crime, but lowers the forfeiture amount for first-offense, non-criminal operating after revocation (OAR). First-offense OAR is non-criminal unless the revocation in question stems from a conviction for operating for intoxicated or other alcohol-related violation.

However, a second provision in the bill expands the pool of OAR cases that are criminal cases and therefore increases the number of cases handled by SPD. Present law contains a five-year period after an OAR offense during which a second OAR becomes a criminal offense. This bill deletes that five-year period, which means that a second-offense OAR could be charged as a criminal offense, regardless of the length of time between the two offenses. This change also has implications for Department of Transportation and law enforcement in terms of recordkeeping.

The additional criminal cases (for second-offense OAR) will result in county costs from appointment of counsel for defendants ineligible for SPD, but constitutionally entitled to representation under *State v. Dean*. Incarceration costs will also occur for defendants held in jail (both pending court hearings and serving sentences).

We are not aware of any existing data to predict the number of new cases resulting from this bill. We could track attempt to track this number in the future, although this process would be complicated by the number of changes to the penalty provisions for OAR in the last several years and by the resources required to check DOT records and/or criminal complaints in great detail to compile data.

The state, counties, and municipalities would collect some revenue from the forfeiture tickets issued for violations. SPD does not have data to determine how many tickets would be issued by the various law enforcement agencies or to determine whether the revenue would be offset by enforcement and administrative costs.

**Long-Range Fiscal Implications**