

Fiscal Estimate Narratives

CTS 3/3/2005

LRB Number	05-0167/2	Introduction Number	AB-70	Estimate Type	Original
Subject					
Safety belts and child safety restraints; creating surcharge and restraint program					

Assumptions Used in Arriving at Fiscal Estimate

This bill amends the penalty structure for violations of s. 347.48 (4) relating to child safety restraint systems and creates a Child Safety Restraint System Program (CSRSP) to provide child safety restraint systems to low income families. The CSRSP is to be funded by a new safety restraint enforcement surcharge of \$25, to be imposed whenever a court imposes a forfeiture for a violation of s. 347.48 (2m) or (4). If multiple offenses are involved, the court is required to impose a surcharge upon each forfeiture.

Under current law, drivers and passengers who are at least 4 years of age are required to wear a safety belt. Violations of this requirement, s. 347.48 (2m), are subject to a \$10 forfeiture. Current law exempts violations of the safety belt statute from the imposition of court costs and various surcharges.

For violations of s. 347.48 (4) relating to child safety restraints, current law imposes a forfeiture of not less than \$30 nor more than \$75 for those violations involving a child under 4 years of age (s. 347.48 (4)(a)1.) and not less than \$10 nor more than \$25 for children more than 4 but less than 8 years of age(s. 347.48 (4)(a)2.). Higher forfeitures are required for second and subsequent offenses of s. 347.48 (4)(a)2.

These violations are subject to the imposition of court costs and various surcharges. The total due for these offenses (forfeiture, court costs and surcharges) are \$156.20 and \$131.40, respectively, based on the lowest forfeiture amount. The applicable court costs and surcharges are as follows:

Court Costs \$25.00 (Distribution of funds: \$5 to CCAP; \$7.50 to county; \$12.50 to state general fund)
Crime Laboratory & Drug Law Enforcement Surcharge \$7.00 (Distribution: Dept. of Justice for crime lab and drug law enforcement services)
Jail Surcharge 1% of forfeiture or \$10, whichever is greater (\$10.00) (Distribution: 100% retained by counties to construct and improve jails)
Penalty Surcharge 24% of forfeiture (Distribution: Dept. of Justice for law enforcement training and related services.)
Court Support Services Surcharge \$68.00 (Distribution: State general fund)
Justice Information Surcharge \$9.00 (Distribution: \$6.00 to Supreme Court for court automation; \$2.00 to DOA for justice information systems; and \$1.00 to state general fund)

Municipal courts must impose some, but not all, of the above costs and surcharges, for violations of ordinances in conformity with s. 347.48 (4) relating to child safety restraints. The applicable court costs and surcharges for municipal courts are as follows:

Court Costs Not less than \$15.00 nor more than \$23.00 (Distribution of funds: \$5 to state general fund; \$10 – 18 to municipality)
Crime Laboratory & Drug Law Enforcement Surcharge \$7.00 (Distribution: Dept. of Justice for crime lab and drug law enforcement services)
Jail Surcharge 1% of forfeiture or \$10, whichever is greater (\$10.00) (Distribution: 100% retained by counties to construct and improve jails)
Penalty Surcharge 24% of forfeiture (Distribution: Dept. of Justice for law enforcement training and related services.)

According to CCAP records, in the circuit courts in 2004, there were 47,760 cases resulting in convictions for violation of s. 347.48 (2m). These figures do not include citations for violation of municipal ordinances in conformity with the statute.

According to CCAP records, in 2004, there were 1,802 citations issued in circuit courts for violation of s. 347.48 (4), resulting in 1,671 convictions. This figure does not include citations for violation of municipal

ordinances in conformity with the statute.

Complete figures for all municipal courts are not available, but some data is available for the City of Milwaukee Municipal Court (CMMC). These figures allow an estimate of the number of violations of s. 347.48 (2m) and (4).

For 2003, there were 361,749 traffic cases (excluding OWI) filed in the state's municipal courts. The CMMC handled 175,805 of those traffic cases, or 49% of the statewide total. In 2004 the CMMC had 4,646 dispositions for violations of s. 347.48 (2m). Assuming that CMMC's 2004 totals represent 49% of the statewide caseload, it is estimated there were 9,481 dispositions for violations of s. 347.48 (2m) in all municipal courts.

In the CMMC, in 2004, there were 683 citations for violation of s. 347.48 (4). Using the same assumption shown above that the CMMC cases represent 49% of the cases in all municipal courts in the state, there would have been an estimated 1,394 violations of s. 347.48 (4).

This bill amends s. 347.48 (2m) to limit its violations to those involving persons at least 8 years of age. This change is likely to decrease the number of citations issued under this subsection. The forfeiture for violation of s. 347.48 (2m) remains \$10, but violations are subject to the safety restraint enforcement surcharge (see section 16 of the bill). Violations involving persons ages 4-7 may now be charged under s. 347.48 (4) and thus be subject to its higher forfeiture amount and may produce additional revenues. It is not possible to know how many violations may be impacted by this change.

For children under 8 years of age, the bill creates a tiered system of restraint requirements under s. 347.48 (4) (as). The forfeiture for violation of s. 347.48 (4) (am) is increased to not less than \$50 nor more than \$75; for second and subsequent violations, the forfeiture is increased to not less than \$75 nor more than \$200. Violations would be subject to the safety restraint enforcement surcharge but would be exempt from the imposition of court costs and current applicable surcharges.

For purposes of this estimate, all citations are treated as first-offense violations. It is impossible to estimate how many violations might be for 2nd or 3rd offenses. Those violations would, however, be subject to the imposition of higher forfeitures, resulting in greater revenues.

In addition, not all penalties imposed are collected from violators. Based upon data from the clerks of circuit court, it is estimated that about 80% of traffic fines and forfeitures are collected in the first year after they are imposed and another 5% are collected in the second year. For purposes of this estimate, it is assumed that 85% of the penalty amounts will be collected.

Using the number of 2004 citations, the fiscal impact would be as follows:

Increased Revenues:

(1) From circuit courts:

Child Restraint Surcharge 49,431 convictions (47,760 + 1,671) X \$25.00 X .85 = \$1,050,409 (to the Transportation Fund)

Forfeitures (\$50 - \$30, increase in new forfeiture over current forfeiture) 1,671 convictions X \$20.00 X .85 = \$28,407 (50%, \$14,203.50, to the common school fund and 50%, \$14,203.50, retained by the county)

(2) From municipal courts:

Child Restraint Surcharge 10,875 dispositions (9,481 + 1,394) X \$25.00 X .85 = \$231,094 (to the Transportation Fund)

Forfeitures 1,394 dispositions X \$20.00 X .85 = \$23,698 (50%, \$11,849, to the common school fund and 50%, \$11,849, retained by the municipality)

Decreased Revenues:

(1) From circuit courts:

Court Costs 1,671 convictions X \$25.00 X .85 = \$35,509 (\$7,102, CCAP; \$10,653 county; \$17,754, state general fund)

Crime Laboratory & Drug Law Enforcement Surcharge 1,671 convictions X \$7.00 X .85 = \$9,942 (Dept. of Justice)

Jail Surcharge 1,671 convictions X \$10.00 X .85 = \$14,204 (Counties)

Penalty Surcharge 1,671 convictions X \$7.20 X .85 = \$10,227 (Dept. of Justice)

Court Support Services Surcharge 1,671 convictions X \$68.00 X .85 = \$96,584 (State general fund)

Justice Information Surcharge 1,671 convictions X \$9.00 X .85 = \$12,783 (\$8,522 to Supreme Court; \$2,841

to DOA; \$1,420, state general fund)

(2) From municipal courts:

Court Costs 1,394 dispositions X \$15.00 X .85 = \$17,774 (\$5,925 to state general fund; \$11,849 retained by the municipality) (Note: If the municipality imposes the maximum of \$23.00 in court costs, the total would be \$27,253 (\$5,925 to state general fund; \$21,328 retained by the municipality.)

Crime Laboratory & Drug Law Enforcement Surcharge 1,394 dispositions X \$7.00 X .85 = \$8,294 (Dept. of Justice)

Jail Surcharge 1,394 dispositions X \$10.00 X .85 = \$11,849 (Counties)

Penalty Surcharge 1,394 dispositions X \$7.20 X .85 = \$8,531 (Dept. of Justice)

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-0167/2		Introduction Number AB-70	
Subject			
Safety belts and child safety restraints; creating surcharge and restraint program			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$		
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
	Increased Rev	Decreased Rev	
GPR Taxes	\$		\$-23,679
GPR Earned			-98,004
FED			
PRO/PRS			-55,459
SEG/SEG-S	1,307,556		
TOTAL State Revenues	\$1,307,556		\$-177,142
NET ANNUALIZED FISCAL IMPACT			
	<u>State</u>	<u>Local</u>	
NET CHANGE IN COSTS	\$	\$	
NET CHANGE IN REVENUE	\$1,130,414	\$-22,502	
Agency/Prepared By		Authorized Signature	Date
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