

Fiscal Estimate Narratives

DOC 2/20/2006

LRB Number	05-1731/5	Introduction Number	SB-530	Estimate Type	Original
Description Drunken driving and creating a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, offenders convicted of a second or third OWI serve a minimum period of confinement in a county jail [minimum of 5 days to maximum of 6 months and minimum of 30 days to 1 year, respectively] and are fined. Offenders may not be given probation in lieu of jail and forfeitures.

This bill allows offenders convicted of a second or third offense relating to operating a vehicle while under the influence of intoxicants or other drugs [OWI] in Winnebago County, Wisconsin, to reduce mandatory minimum jail time if the violator completes a period of probation that includes alcohol or other drug treatment. This bill reduces the minimum period of confinement in county jail to 2 days for a second OWI offense and 7 days for a third OWI offense if the offender successfully completes a probationary period that includes AODA treatment. The period of probation is between 6 months and 2 years.

The Department of Transportation [DOT] indicates that Winnebago County's OWI 3-year conviction average [CY 2000-2002] is 265 offenders convicted for a second OWI offense and 129 offenders convicted of a third offense [394 total]. The sentences of these offenders is unknown.

If it is assumed that 100% of these offenders will be placed on a maximum of 24 months probation, 394 offenders will be placed on probation that would otherwise not be supervised by the Department. The Department would require 3.50 Probation & Parole Agents, 0.25 Corrections Field Supervisor, 1.0 Operations Program Associates, and 0.25 Program Support Supervisor-DOC--5.0 FTE during the 1st year. Total staff related one-year costs: \$323,100 for salary/fringe, one-time expenses and ongoing supplies and services. Assuming an additional 394 offenders will be placed on 24 months probation in the second and each subsequent year, the Department would require 7.0 Probation & Parole Agents, 0.5 Corrections Field Supervisor, 0.50 Program Assistant-Supervisors and 2.0 Operations Program Associates—10.00 FTE during the 2nd and subsequent years. Total staff-related costs in year two and beyond: \$610,200 for salary/fringe, one-time expenses and ongoing supplies and services.

If a smaller percentage of the offenders opt for this probation and treatment option, staff costs in both years would be reduced. If only 50% of the offenders select this option, the Department would require 1.75 Probation & Parole Agents and 0.50 Operations Program Associates during the 1st year and 3.50 Probation & Parole Agents, 0.25 Corrections Field Supervisor, 1.0 Operations Program Associates, and 0.25 Program Support Supervisor-DOC in the second and each subsequent year. Total staff-related costs in year one and two, respectively are: \$143,000 and \$309,700 for salary/fringe, one-time expenses and ongoing supplies and services. Additionally, if probation terms given were less than 2 years, staffing requirements would be reduced.

This bill requires that every offender, as a condition of probation, successfully complete alcohol and other drug [AODA] treatment. Assuming the Department would provide each of the 394 offenders an average of \$500 in AODA services, which includes assessment, outpatient treatment and aftercare, additional purchase of service funding of \$197,000 annually would be required to serve these offenders. If only 50% of offenders take this probation and treatment option, annual costs would be reduced to \$98,500. A reduction in probation terms [less than 24 months] would not reduce this cost.

Offenders on probation are required to pay supervision fees. If all 394 offenders were on probation for two years and paid the supervision fees at the existing rate, it is estimated that the Department could collect \$134,300 in offender supervision fees in the first year and \$268,600 during the 2nd and subsequent years. If only 50% of offenders were placed on probation for two years, fee collections would be reduced to \$67,200 in the first year and \$134,300 in the second and subsequent years. If probation terms given were less than 2 years, supervision fee collections would also be reduced.

In summary, if all 394 offenders were placed on probation for the maximum two-year period, received AODA

treatment, and paid the required supervision fees, the Department will require 5.00 GPR FTE, \$520,100 GPR, and could collect \$134,300 PR in the first year. In the second year and subsequent years, the Department would require 10.00 GPR FTE, \$807,200 GPR, and could collect \$268,600 PR in the second and subsequent years. If 50% of offenders were placed on probation for the maximum two-year period, received AODA treatment and paid the required supervision fees, the Department will require 2.25 GPR FTE, \$241,500 GPR and collect \$67,200 PR in the first year. In the second and subsequent years, the Department would require 5.00 GPR FTE, \$408,200 GPR, and could collect \$134,300.

Cost and revenues would be reduced if a smaller percentage of offenders take the probation and treatment option or if the period of probation is reduced to less than 2 years. The Department cannot estimate the number of offenders who will take this option nor the probation terms of those offenders.

Local Costs:

Currently, offenders convicted of a misdemeanor second or third OWI are required to serve a minimum period of confinement in a county jail of 5 days to a maximum of 6 months and minimum of 30 days to 1 year, respectively]. By reducing the minimum sentence, there could be a reduction in county jail bed nights. However, there could be an offsetting increase in jail time if persons on probation as a result of this bill violate the terms of that probation and are placed in the county jail pending disposition of the case. The net effect of these two factors is unknown.

Long-Range Fiscal Implications