

Fiscal Estimate - 2007 Session

Original Updated Corrected Supplemental

LRB Number 07-1791/1		Introduction Number AB-0565			
Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties					
Fiscal Effect					
State:					
<input type="checkbox"/> No State Fiscal Effect					
<input checked="" type="checkbox"/> Indeterminate					
<input type="checkbox"/> Increase Existing Appropriations	<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"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues				
<input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Costs				
Local:					
<input type="checkbox"/> No Local Government Costs					
<input type="checkbox"/> Indeterminate					
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts			
<input type="checkbox"/> Permissive <input 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				
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

DOC 12/21/2007

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Description Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties		

Assumptions Used in Arriving at Fiscal Estimate

Under current law there are various penalties for persons who operate a motor vehicle with a suspended (Operating While Suspended or OWS), revoked (Operating while revoked or OAR), or without a drivers license (Operating without a License or OWL).

Under current law, if a person causes great bodily harm or death to another person while driving without a valid drivers license, he/she is guilty of a Class A misdemeanor punishable by a maximum of nine months in a county jail.

Under this bill a person who is convicted of OWS, OAR or OWL and causes great bodily harm to another person and knows at the time of the violation he or she did not possess a valid drivers license, is guilty of a Class I felony (maximum one and one-half years of confinement and two years of extended supervision). If the person is convicted of causing death to another person, and the person knew he or she did not possess a valid drivers license, he/she is guilty of a Class H felony (maximum 3 years of confinement and 3 years of extended supervision).

According to the Department of Transportations (DOT) statistical records website, in FY07, 53 offenders were convicted of causing great bodily harm and 11 offenders were convicted of negligent homicide. However, of those offenders convicted in FY07, it is not determined which offenders did not possess a valid driver's license at the time of the offense. Therefore, the Department of Corrections is unable to estimate the number of offenders who may be subject to the criminal penalty provisions of this bill. State costs will increase and county jail costs will decrease if offenders who would have been sentenced to jail for a misdemeanor, are now sentenced to a state prison for a felony conviction.

The FY07 annual cost for an inmate in a DOC institution is approximately \$29,600. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,800, based on FY07 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision is \$2,200.

Long-Range Fiscal Implications