

Fiscal Estimate Narratives

DOJ 1/28/2008

LRB Number	07-1791/1	Introduction Number	AB-0565	Estimate Type	Original
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, a person who knowingly commits an operating while suspended (OWS), operating while revoked(OAR), or operating without a license (OWL) violation and causes great bodily harm or death to another person, is guilty of a Class A misdemeanor. Under Assembly Bill 565, a person who knowingly commits an OWS, OAR, or OWL violation is guilty of a Class I felony if the person causes great bodily harm to another person, and guilty of a Class H felony if the person causes the death of another person.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 565 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department is not certain how many new felony cases it may handle due to the enactment of AB 565. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

Long-Range Fiscal Implications