

### Fiscal Estimate - 2007 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>07-1791/1</b>	<b>Introduction Number</b> <b>AB-0565</b>
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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

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations			<input type="checkbox"/> Decrease Costs

**Local:**

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

<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> 11/12/2007
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## Fiscal Estimate Narratives

SPD 11/12/2007

LRB Number	07-1791/1	Introduction Number	AB-0565	Estimate Type	Original
<b>Description</b> 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

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

This bill would create new criminal offenses for causing death or great bodily harm while driving after revocation or suspension of operating privileges (OAR and OAS). The average SPD cost to provide representation in a felony case is \$543.01 (for felony classes D-I, based upon fiscal year 2007 data). We do not know how many cases would be brought under the proposed new criminal law, but we could track the number of cases in the future (after the law takes effect). Of the new cases that would be filed under the new law, it is possible that some would also be filed under current law (for example, if the defendant is alleged to have been operating while intoxicated or in a reckless manner).

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the possibility of additional contempt proceedings could add to county costs in cases in which the court appoints the defense attorney. The counties could also incur additional costs associated with incarceration of defendants in connection with contempt proceedings. The counties may also incur some administrative costs in their efforts to collect these costs.

The bill would also increase monetary penalties in civil OAR and OAS cases. Because many defendants are often unable to pay the fines and costs under current law, we do not expect that many of them will be able to pay these additional costs. Thus, the counties could see an increase in contempt cases in which the defendant faces potential imprisonment for non-payment (and thus, is constitutionally eligible to apply for legal representation in the contempt proceeding). Although the SPD does not provide representation in contempt proceedings when the underlying debt is for a civil forfeiture, counties will be obligated to appoint counsel if 1) they seek imprisonment as a remedy for the non-payment; and 2) the defendant lacks the ability to hire an attorney without substantial financial hardship. Counties have other options for collecting unpaid costs (for example, seeking a civil judgment), so SPD cannot predict the number of additional cases that might result.

### Long-Range Fiscal Implications