

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-1443/1</b>	<b>Introduction Number</b> <b>SB-066</b>
<b>Description</b> operation of a motor vehicle while under the influence of an intoxicant and providing a penalty.	
<b>Fiscal Effect</b>	
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue <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 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	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input 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> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Phil Werner (608) 267-2700
<b>Date</b> 2/26/2009	

## Fiscal Estimate Narratives

DA 2/26/2009

LRB Number	<b>09-1443/1</b>	Introduction Number	<b>SB-066</b>	Estimate Type	<b>Original</b>
<b>Description</b> operation of a motor vehicle while under the influence of an intoxicant and providing a penalty.					

### Assumptions Used in Arriving at Fiscal Estimate

Based on 2007 data from DOT, the number of 3rd offense OWI cases that occurred within five years of a first offense OWI was approximately 1,300. The number of 4th offense OWI cases was 1,902 annually. To calculate additional prosecutors needed if these offenses became felonies vs. misdemeanors:

$1,300 + 1,902 = 3,202$  cases

$3,202 \text{ cases} \times 6.32 \text{ hours (dif. between felony and misdemeanor)} = 20,236.64 \text{ hours}$

$20,237 \text{ hours divided by } 1,227 \text{ (hours annually available to ADAs for casework)} = 16.493 \text{ ADAs needed.}$

Annual salary = \$47,036

Annual fringe = \$18,433

TOTAL =  $\$65,469 \times 16.5 \text{ ADAs} = \$1,080,239.$

Though an annual count of 1,300 3rd offense OWI cases was identified above and used in the estimation of additional ADAs needed, prosecutors believe that even more ADAs will be needed for work on 3rd offense OWIs due to the dramatic increase in litigation time. Prosecutors estimate that an additional 21 ADAs would be needed:

$\$65,469 \times 21 \text{ ADAs} = \$1,374,849.$

Prosecutors are emphatic about the need to be at full staffing levels before they can take on significant law changes such as this bill proposes. The most recent DA Workload Study indicated a need of approximately 120 ADAs throughout Wisconsin. The estimated cost of these additional ADAs is:

$\$65,469 \times 120 = \$7,856,280.$

The total estimate as indicated above is \$10,311,368 (which is made up of \$1,080,239 + \$1,374,849 + \$7,856,280).

Counties would face increases in jail costs.

### Long-Range Fiscal Implications

There is expected to be a significant long-range fiscal impact. Please see the figures presented above.