

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-2963/1	Introduction Number AB-0405	
Description Making fourth offense operating while intoxicated a felony and providing a penalty		
Fiscal Effect		
State: <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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <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		
Fund Sources Affected Affected Ch. 20 Appropriations <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		
Agency/Prepared By DA/ Phil Werner (608) 267-2700	Authorized Signature Martha Kerner (608) 267-1001	Date 12/15/2011

Fiscal Estimate Narratives

DA 12/15/2011

LRB Number	11-2963/1	Introduction Number	AB-0405	Estimate Type	Original
Description Making fourth offense operating while intoxicated a felony and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits a 4th offense related to operating a vehicle while intoxicated or under the influence of a controlled substance (OWI) is guilty of a misdemeanor and may be fined between \$600 and \$2,000 and imprisoned between 60 days and one year unless the person committed an earlier OWI offense within five years. In that case, the person is guilty of a Class H felony and subject to a minimum fine of \$600 and a term of imprisonment between 6 months and 6 years. If the sentencing court is in a county with a treatment-based sentencing option, the offender may receive a reduced minimum period of imprisonment if they complete alcohol and other drug treatment.

Under this bill, a person who commits a 4th offense OWI, regardless of the time since the last prior offense, is guilty of a Class H felony and the penalties as cited above. The bill eliminates the option for a reduced period of imprisonment based on completion of alcohol or other drug treatment.

In 2010, there were 1,228 4th offense OWI-related convictions. Of the 1,228 convictions, prosecutors estimate that 50% of the cases occurred more than five years ago, or 614 cases. Only cases that occurred more than five years before a 4th offense OWI are considered. Of the 614 convictions cited above, there likely were some cases that did not result in convictions. Some prosecutors believe it is reasonable to estimate that there would be 15% more cases of 4th offense OWI that did not result in conviction. Therefore, the number of 4th offense OWI cases to consider for this fiscal estimate is approximately 706 per year.

The District Attorney workload Analysis, recently adjusted based on recommendations of the Wisconsin District Attorneys Association, indicates that each general felony takes approximately 8.49 hours to prosecute; whereas, each criminal traffic misdemeanor prosecution averages 2.91 hours. The difference to prosecute a felony versus a criminal traffic misdemeanor case is 5.58 hours; consequently, this bill would require approximately 5.58 additional hours to prosecute each case.

5.58 hours time 706 cases equates to 3,939 additional hours of time to prosecute the cases. The DA Workload Analysis and its weighted caseload formula estimate that each prosecutor has 1,162 hours per year in which to deal with cases. 3,939 caseload hours divided by 1,162 hours available to prosecutors indicates a need for 3.4 prosecutors.

The annual salary for a new assistant district attorney (ADA) is \$49,429.

The annual fringe is approximately \$20,785.

Total salary and fringe of \$70,214 x 3.4 ADAs = \$238,728.

Long-Range Fiscal Implications

Prosecutors see a long-range fiscal impact should this bill be enacted. Please see calculations above.

Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

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LRB Number 11-2963/1		Introduction Number AB-0405	
Description Making fourth offense operating while intoxicated a felony and providing a penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$238,728		\$
(FTE Position Changes)	(3.4 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$238,728		\$
B. State Costs by Source of Funds			
GPR	238,728		
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues	\$		\$
NET ANNUALIZED FISCAL IMPACT			
	<u>State</u>		<u>Local</u>
NET CHANGE IN COSTS	\$238,728		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
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