

Fiscal Estimate Narratives

DA 12/13/2011

LRB Number	11-2115/2	Introduction Number	AB-0411	Estimate Type	Original
Description Impounding vehicles used in certain drunken driving offenses and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, a person who commits a 1st offense OWI will have the vehicle used in the offense impounded for not less than 30 days nor more than 60 days. For a 2nd or subsequent OWI offense, the vehicle will be impounded between 60 days and 6 months.

Reaction from prosecutors was mixed regarding this bill. Some thought it would have a minimal effect on their offices; whereas, others anticipated a significant effect on their offices if each OWI conviction would result in the impoundment of a vehicle. Those expecting an increase in their workload believe that defendants will litigate all OWI cases, beginning with the 1st offense, if they know that a guilty verdict will result in their vehicles being impounded. Most rural communities do not have mass transit options; so, a person without a car often means they have no job either. Most OWI offenders qualify for an occupational license, so this bill would give even more incentive to litigate these cases.

Because there was not agreement among prosecutors regarding a potential fiscal effect of this bill, it is difficult to estimate the cost of implementing this bill.

Prosecutors agree that local law enforcement agencies could face significant expenses as a result of this bill. They may need to absorb the costs of impoundment, repossession, and storage fees. In addition, many violators will not have sufficient funds to pay the fees, and will abandon their vehicles in the storage facility.

Long-Range Fiscal Implications

It is difficult to project an estimated fiscal impact of this bill because prosecutors could not agree on the fiscal effect of this bill.