

Fiscal Estimate Narratives

DOC 9/13/2011

LRB Number	11-2144/2	Introduction Number	AB-0670	Estimate Type	Original
Description Offenses related to operating a vehicle while intoxicated, releasing persons arrested for offenses related to operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, first offense operating a motor vehicle under the influence of an intoxicant or controlled substance (OWI Offense) is a civil violation. This bill makes first offense OWI convictions a Class C misdemeanor, which can include punishment of up to 30 days in a county jail. This proposal also provides that a person subject to a minimum period of imprisonment for any OWI offense is not eligible for home detention, good time, release from jail for employment (Huber privileges), or community service work until that minimum has been served (currently this requirement is only applied to offenders with a 3rd or subsequent violation as counted under s.343.307).

2009 Act 100 has only been effective since July 1, 2010, therefore data is not currently available to show what impact the legislation has had on first offense OWI convictions. Data available from the Department of Transportation (DOT) shows 23,056 individuals were convicted of first offense OWI in calendar year 2009. The Department of Corrections (DOC) is unable to predict the number of first offense OWI convictions that will occur or the exact length of incarceration that will be ordered under this proposed legislation. If it is assumed 2009 statistics are reflective of future data, there would be up to 691,680 additional days of incarceration per year in county jails from a first offense OWI conviction.

This bill would also make it possible for a responsible party who signs a form acknowledging that he or she accepts legal responsibility for the actions of a person arrested for certain OWI-offenses for 12 hours after the time the person was arrested to be found guilty of a Class C misdemeanor if the arrested person is arrested for another OWI-related offense during those 12 hours. It is not possible to estimate the number of additional county jail bed days that would result from this provision.

The elimination of good time, home detention, and Huber privileges for all OWI offenses until the minimum confinement term has been served would further increase county costs. It is not possible to estimate the number of additional county jail bed days that would result from this provision.

Counties will incur additional costs for housing these offenders. In order to relieve the bed space pressures resulting from the increased population, some counties may need to consider building additional jail beds or transporting their offenders to other counties. In addition, individuals convicted of OWI may have health care/ treatment (e.g., AODA) needs that will result in increased costs to counties. The extent of the increased cost to counties from this legislation is dependent on an individual county's current bed space capacity and what their costs are to house additional inmates.

The precise cost impact of this legislation will ultimately depend on the sentencing practices of judges under the new penalty structure and the number of offenders who violate the specific offense.

Long-Range Fiscal Implications