

Fiscal Estimate Narratives

DA 8/22/2011

LRB Number	11-2044/1	Introduction Number	SB-152	Estimate Type	Original
Description Penalties for driving a vehicle while under the influence of an intoxicant and providing a penalty.					

Assumptions Used in Arriving at Fiscal Estimate

Currently, a first offense OWI with an alcohol concentration level of 0.08 is a civil violation. Under this bill, a first offense OWI with an alcohol concentration of 0.15 or more is a criminal misdemeanor. The bill also increases the penalty for a second offense OWI.

District Attorneys indicated that if this bill were to be enacted, their offices would face a severe strain due to a number of reasons associated with OWI cases:

- * OWI cases are contested more often with trials than other allegations (in some cases to avoid a criminal record)
- * criminal OWI motions and challenges pertaining to OWI/PAC charge
- * "alcohol level" arguments over the PAC for the charge itself and the two different PAC levels contained within the charge
- * increased motion hearings either in the form of suppression or collateral attacks on prior offenses
- * additional post-trial and appellate responsibilities
- * delays in obtaining testing results from the State Lab of Hygiene.

On average across the State, DAs projected a need for additional prosecutors at a rate of 13.8%. With 442 prosecutors, a need of 13.8% represents approximately 61 additional ADAs. The additional cost for the DA program would be approximately:

Annual salary = \$49,429

Annual fringe = \$20,785

TOTAL = \$70,214 x 61 ADAs = \$4,283,054.

DAs indicated that there would be a need for increased county support staff in DA offices and there would be an increase in the number of inmates in county jails.

Long-Range Fiscal Implications

For a long-range fiscal impact, please see above.

Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-2044/1		Introduction Number SB-152	
Description Penalties for driving a vehicle while under the influence of an intoxicant 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	\$4,283,054	\$
	(FTE Position Changes)	(61.0 FTE)	
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$4,283,054	\$
B. State Costs by Source of Funds			
	GPR	4,283,054	
	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	\$4,283,054	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date
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