

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-1907/2	Introduction Number AB-0467	
Description Court orders regarding the installation of an ignition interlock device		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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 checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<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 20.550(1)(b-d)		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
SPD/ Anna Oehler (608) 267-0311	Adam Plotkin (608) 264-8572	10/28/2013

Fiscal Estimate Narratives

SPD 10/28/2013

LRB Number	13-1907/2	Introduction Number	AB-0467	Estimate Type	Original
Description Court orders regarding the installation of an ignition interlock device					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a critical role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Current law requires a court to order an ignition interlock device be installed for anyone convicted of second offense operating while intoxicated (OWI), first offense OWI if the blood alcohol concentration is 0.15 or greater, refusing to take an intoxication test, or injures or kills a person while operating while intoxicated. Current law requires that court-ordered interlock devices shall be installed "immediately" upon the court's order; the bill establishes a mandatory timeframe for the installation of ordered devices such that courts are required to order that the device be installed within three working days from the time the court issues the order for the installation of the device. Also, under current law the operating privilege restrictions take effect upon the date that the Department of Transportation issues an operators licence under these provisions; the bill requires the restrictions to take effect immediately upon the court's order. Under the bill, a violation of the operating privilege restriction is subject to the same penalty provided for failing to install, removing, disconnecting, or otherwise tampering with the device (fine of not less than \$150 nor more than \$600 and imprisonment for not more than six months, or both for the 1st offense and a fine of not less than \$300 nor more than \$1,000, or imprisonment for not more than six months, or both for 2nd offense).

The bill does not change penalties related to OWI, but rather specifies a timeframe for the installation of court-ordered interlock devices and invokes operating privilege restrictions immediately upon the court's order, instead of upon the issuance of a license. The provisions of the bill may slightly increase the number of SPD cases since the operating privilege restrictions become effective sooner (i.e., upon the date of the court's order) than under current law (i.e., upon the date of issuance of a license) and a penalty is created for failure to abide by the court-ordered restrictions. The penalty created under the bill is classified as a misdemeanor; the SPD's FY2013 average cost to provide representation with a private bar attorney for a misdemeanor case was \$247.54.

Counties could experience additional incarceration costs in the event the number of cases involving the violation of the court's operating privilege restrictions occurs. In addition, counties could experience additional costs in those cases where clients do not meet the eligibility requirements for SPD representation, but are constitutionally entitled to counsel and thus the court appoints counsel at county expense.

Long-Range Fiscal Implications