

Fiscal Estimate Narratives

DA 3/22/2013

LRB Number 13-0728/2	Introduction Number AB-0068	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 426 prosecutors, a need of 13.8% represents approximately 58.8 additional ADAs. The additional cost for the DA program would be approximately:

Annual salary = \$49,429
Annual fringe = \$18,936
TOTAL = \$68,365 x 58.8 ADAs = \$4,019,862.

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

A long-range fiscal impact is provided above.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-0728/2		Introduction Number AB-0068	
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	\$4,019,862		\$
(FTE Position Changes)	(58.8 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$4,019,862		\$
B. State Costs by Source of Funds			
GPR	4,019,862		
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	\$4,019,862		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		James Langdon (608) 267-1001	3/22/2013