

### Fiscal Estimate - 2013 Session

Original      Updated      Corrected      Supplemental

**LRB Number**    13-0730/1                              **Introduction Number**    AB-0070

**Description**  
Mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate  
     Increase Existing Appropriations                       Increase Existing Revenues                       Increase Costs - May be possible to absorb within agency's budget  
     Decrease Existing Appropriations                       Decrease Existing Revenues                                            Yes                       No  
     Create New Appropriations     Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate  
1.  Increase Costs                      3.  Increase Revenue                      **5. Types of Local Government Units Affected**  
     Permissive  Mandatory                       Permissive  Mandatory                       Towns                       Village                       Cities  
2.  Decrease Costs                      4.  Decrease Revenue                       Counties                       Others  
     Permissive  Mandatory                       Permissive  Mandatory                       School Districts                       WTCS Districts

**Fund Sources Affected**                                      **Affected Ch. 20 Appropriations**  
 GPR     FED     PRO     PRS     SEG     SEGS 20.555(1)

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## Fiscal Estimate Narratives

SPD 3/20/2013

LRB Number	13-0730/1	Introduction Number	AB-0070	Estimate Type	Original
<b>Description</b> Mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty					

### 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 proceedings. The SPD plays a significant 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.

This bill mandates a minimum prison sentence of ten years for a person convicted of causing the death of another by operating or handling a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in his or her blood, or with a prohibited blood alcohol concentration. The bill also mandates a minimum prison sentence of ten years for the Class C felony, a person that has one or more prior convictions, operator's license suspensions, or operator's license revocations related to operating a vehicle while intoxicated.

The SPD appointed attorneys to represent in nineteen Homicide by Intoxicated Use of a Motor Vehicle trial level cases in Fiscal Year 2012. The average cost during Fiscal Year 2012 for SPD representation by a private bar attorney in a Class A/B/C felony trial case was \$1,460.83. The mandatory ten year prison sentence for a conviction in these cases could increase the complexity, and resulting cost, of providing representation; however, that incremental cost cannot be quantified.

Because of the increased minimum penalty in these cases, the counties are also subject to increased costs. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the higher penalties for these charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

### Long-Range Fiscal Implications