

Fiscal Estimate - 2013 Session

Original Updated Corrected Supplemental

LRB Number **13-0732/2** Introduction Number **AB-0072**

Description
Seizure and forfeiture of motor vehicles used in certain operating-while-intoxicated offenses and providing a penalty

Fiscal Effect

State:

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

Local:

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

Fund Sources Affected **Affected Ch. 20 Appropriations**

GPR FED PRO PRS SEG SEGS

Agency/Prepared By	Authorized Signature	Date
DA/ Phil Werner (608) 267-2700	James Langdon (608) 267-1001	3/22/2013

Fiscal Estimate Narratives

DA 3/22/2013

LRB Number	13-0732/2	Introduction Number	AB-0072	Estimate Type	Original
Description Seizure and forfeiture of motor vehicles used in certain operating-while-intoxicated offenses and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, if a person commits a 3rd or subsequent OWI-related offense, the court may order that the vehicle used in the offense be seized. If a seizure is ordered, the District Attorney must initiate a forfeiture proceeding.

This is not a mandatory requirement for a judge. It appears, however, to be similar to a standard civil proceeding, which will be time consuming and take prosecutors away from many of their normal duties. According to the Department of Transportation, annually there are 9,670 3rd and 4th OWI convictions on a Statewide basis. If one-fourth of the defendants own a car that is ordered forfeited, that would equate to 2,417 forfeiture filings. Estimating that a forfeiture requires the same amount of time as a misdemeanor, it would take 2.91 hours per case.

$2.91 \text{ hours} \times 2,417 \text{ cases} = 7,033 \text{ hours}$. The DA Workload Analysis and its weighted caseload formula estimate that each prosecutor has 1,162 hours per year in which to deal with cases. $7,033 \text{ caseload hours} \div 1,162 \text{ hours available to prosecutors}$ indicates a need for 6.05 prosecutors.

Annual salary = \$49,429

Annual fringe = \$18,936

TOTAL = $\$68,365 \times 6.05 \text{ ADAs} = \$413,608$.

Long-Range Fiscal Implications

Prosecutors see a long-range impact should this bill be enacted. Please see the calculations above.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Seizure and forfeiture of motor vehicles used in certain operating-while-intoxicated offenses 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	\$413,608		\$
(FTE Position Changes)	(6.0 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$413,608		\$
B. State Costs by Source of Funds			
GPR	413,608		
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	\$413,608		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By			
DA/ Phil Werner (608) 267-2700		Authorized Signature	
		James Langdon (608) 267-1001	
		Date	
		3/22/2013	