

### Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-4045/2</b>	<b>Introduction Number</b> <b>AB-0846</b>
<b>Description</b> Making the first offense of operating a motor vehicle while under the influence of an intoxicant a crime, making an appropriation, and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b>	
<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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" 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 checked="" type="checkbox"/> Others <u>Jails</u> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>
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<b>Date</b>	
3/21/2014	

## Fiscal Estimate Narratives

DOC 3/21/2014

LRB Number	<b>13-4045/2</b>	Introduction Number	<b>AB-0846</b>	Estimate Type	<b>Original</b>
<b>Description</b> Making the first offense of operating a motor vehicle while under the influence of an intoxicant a crime, making an appropriation, and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law a first offense of operating a motor vehicle while under the influence of an intoxicant (OWI-related offense) is a civil violation. This bill makes first offense OWI convictions a crime punishable by a fine of not less than \$150 nor more than \$300 and a county jail sentence not more than 5 days. This bill would be enacted for any person who commits a first OWI-related offense on or after April 1, 2015.

Data received from the DOT indicates that in 2012 there were 16,619 convictions for first offense OWI. If it is assumed that 2012 statistics are reflective of future data, requiring first offense OWI offenders to spend an additional 5 days in jail would result in up to 83,095 additional days of incarceration in county jails.

Because first offense OWI offenders become eligible for probation under this bill, there would be additional costs to the Department of Corrections if offenders were placed on probation. These offenders would likely be placed on alcohol monitoring devices during their initial assessment period, as is currently done with other OWI probationers the Department currently supervises. In addition, depending on what the Alcohol and Other Drug Abuse (AODA) assessment for offenders show, they may have education and/or treatment needs whose costs the Department may need to pay.

The funding and positions included in the bill assume 10% of the 16,619 convictions would be placed on probation beginning on April 1, 2015, for an FY15 average daily population of 69. Should the 10% assumption hold true in the future, and offenders are given 1 year probation sentences, approximately \$5.1 Million and 28.50 FTE would be necessary on an annualized basis as the average daily population for these first offense OWI offenders could reach 1,660.

Counties will incur additional costs for housing these individuals. In order to relieve the bed space pressures resulting from the increased population, some counties may need to consider building additional jail beds or transporting their offenders to other counties. In addition, individuals convicted of OWI may have health care/ treatment (e.g., AODA) needs that will result in increased costs to counties. The extent of the increased cost to counties from this legislation is dependent on an individual county's current bed space capacity and what their costs are to house additional inmates.

The precise cost impact of this legislation will ultimately depend on the sentencing practices of judges under the new penalty structure and the number of offenders who violate these specific offenses.

### Long-Range Fiscal Implications