

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-1216/1	Introduction Number AB-0266
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Description
 Requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal 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 Permissive Mandatory
 - 2. Decrease Costs Permissive Mandatory
 - 3. Increase Revenue Permissive Mandatory
 - 4. Decrease Revenue 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

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7/1/2015

Fiscal Estimate Narratives

SPD 7/1/2015

LRB Number	15-1216/1	Introduction Number	AB-0266	Estimate Type	Original
Description Requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal 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 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.

This bill creates a license called an ignition interlock restricted license (IIRL) for qualifying individuals convicted of operating while intoxicated. Under the bill, an IIRL permits a person to operate a motor vehicle only if the motor vehicle is equipped with an ignition interlock device (IID). An IIRL does not impose any geographic limitations, and the person may operate the vehicle for any purpose. The bill identifies who can qualify for an IIRL and under what circumstances. The bill also identifies criminal charges associated with driving a car without an IIRL. Under the bill, a person who operates a vehicle that is not equipped with an IID, in violation of his or her restricted operating privilege, may be fined not less than \$500 nor more than \$1,200, or may be imprisoned for not more than six months, or both for the first offense. For a second or subsequent conviction, the person may be fined not less than \$600 nor more than \$2,000, or imprisoned for not more than six months, or both. In addition, the person's operating privilege is restricted for an additional six months for each violation.

It is possible that given the new criminal charges, the SPD will see an increase in the number of cases in which it provides representation for violating the IIRL requirements but this could be offset as it is possible that the SPD will see a decrease in the number of cases for operating after revocation. We are unable, however, to quantify the number of cases that might increase or decrease due to the provisions in the bill and how many people would meet the eligibility requirements for SPD services. The SPD's average cost to provide representation with a private bar attorney in a misdemeanor case was \$255.54 in a misdemeanor case and \$551.02 in a felony case in fiscal year 2014.

Because probation or prison could be ordered upon conviction for the proposed crime, this change could indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill could indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2014 for SPD representation by a private bar attorney in a revocation proceeding was \$294.04.

This bill could also have a fiscal impact on counties though both an increase and decrease in specific 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. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications