

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

| | | |
|---|---|--------------------------|
| LRB Number 15-2665/1 | Introduction Number AB-0363 | |
| Description Offenses related to operating a vehicle while intoxicated and providing a criminal penalty | | |
| Fiscal Effect | | |
| State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs | | |
| Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <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 type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts | | |
| Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS | | |
| Agency/Prepared By DA/ Phil Werner (608) 267-2700 | Authorized Signature Kevin Vesperman (608) 267-1001 | Date 10/1/2015 |

Fiscal Estimate Narratives

DA 10/1/2015

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|--|-----------|---------------------|---------|---------------|----------|
| LRB Number | 15-2665/1 | Introduction Number | AB-0363 | Estimate Type | Original |
| Description Offenses related to operating a vehicle while intoxicated and providing a criminal penalty | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a first OWI-related offense is a civil violation, unless there was a minor passenger in the vehicle, and is subject to a forfeiture. Subsequent OWI-related offenses are crimes punishable by fines and periods of imprisonment. Current law increases the penalty for a second OWI-related offense if the person committed the second offense within ten years of the first offense, or if the offense caused death or great bodily harm.

Under this bill, a person who commits a first OWI-related offense is guilty of a Class C misdemeanor and may be fined and imprisoned. Under the bill, a second OWI-related offense is subject to the increased penalties regardless of whether the person commits the offense within ten years of the first OWI offense. Under the bill, a court may, upon petition by the person convicted of a first OWI-related offense, vacate the person's criminal conviction if more than five years elapsed since the first OWI offense.

Prosecutors believe enactment of this bill will have a significant effect on their offices. They estimate that it requires an average of 2.91 hours to prosecute a misdemeanor case such as the proposed first offense OWI. In 2012, the last year for which data is available, first offense OWI convictions totaled 16,619. Prosecutors believe that this figure should be increased by 5% to also account for cases that are reviewed but not charged and cases that go to trial and are lost. Based on 2012 data, 50,779 hours of prosecutorial time would be needed to handle such cases:

First offense OWI convictions 16,619
5% Increase 831
Total cases 17,450

Hours per case 2.91
Total hours 50,779

On average, a prosecutor dedicates 1,162 hours per year to the prosecution of cases (the remainder of their time is used for administrative duties, community work, professional education and training, leave, etc.). Based upon this average, 43.70 prosecutors would be required to handle first offense OWI cases.

Total hours 50,779
Average prosecution hours/year 1,162
Total prosecutors required 43.70

The cost of prosecutors required to handle first offense OWI cases would be \$2,989,038:

Total prosecutors required 43.70
Minimum starting salary \$49,254
Total salary \$2,152,400

Fringe benefit rate 38.87%
Total fringe \$ 836,638

Total cost \$2,989,038

Long-Range Fiscal Implications

For a long-range fiscal impact, please see above.

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

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| Description Offenses related to operating a vehicle while intoxicated and providing a criminal 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 | \$2,989,038 | | \$ |
| (FTE Position Changes) | (43.7 FTE) | | |
| State Operations - Other Costs | | | |
| Local Assistance | | | |
| Aids to Individuals or Organizations | | | |
| TOTAL State Costs by Category | \$2,989,038 | | \$ |
| B. State Costs by Source of Funds | | | |
| GPR | 2,989,038 | | |
| 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 | \$2,989,038 | \$ | |
| NET CHANGE IN REVENUE | \$ | \$ | |
| Agency/Prepared By | | Authorized Signature | Date |
| DA/ Phil Werner (608) 267-2700 | | Kevin Vesperman (608) 267-1001 | 10/1/2015 |