

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

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

Fiscal Effect

State:

No State Fiscal Effect
 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 type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input 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 type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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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	Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 10/12/2015

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

This bill makes changes to certain offenses relating to operating a vehicle while intoxicated (OWI-related offenses).

Under current law, a first OWI-related offense is a civil violation, unless there was a minor passenger under the age of 16 in the vehicle at the time of the offense. A person who commits a civil OWI-related offense is subject to a forfeiture of not less than \$150 nor more than \$300. Subsequent OWI-related offenses are crimes punishable by fines and periods of imprisonment that increase with every subsequent offense.

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 person committed an OWI-related offense that caused death or great bodily harm to another.

Under this bill, a person who commits a first OWI-related offense is guilty of a Class C misdemeanor and may be fined up to \$500, imprisoned for up to 30 days, or both. Under the bill, a person who commits a second OWI-related offense is subject to the increased penalties regardless of whether the person commits the offense within ten years of his or her first OWI-related offense.

The bill alters penalties for OWI 2nd offenses committed within ten years of the first OWI; no data exists to determine how many individuals would have been subject to this penalty increase in CY2013, therefore, we cannot predict what fiscal impact this specific aspect of the bill would have on the Department of Corrections.

According to Wisconsin Department of Transportation (DOT) data for CY2013, 16,432 individuals were convicted of OWI 1st offense. Under this bill, these individuals would be subject to the penalties for a Class C Misdemeanor for this offense as defined in Wisconsin Statute §939.51. The penalty for a Class C Misdemeanor under §939.51 is "a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both." Imprisonment sentences for less than one year are served in county jails, not state prisons. If it is assumed that DOT's CY2013 statistics are reflective of future data, there would be from 0-492,960 additional days of incarceration in county jails from a first offense OWI conviction.

If courts choose to place an offender on probation for 1st offense OWI or increase their supervision time for a second offense OWI, this bill would have an effect on DOC's community supervision population. If there is a large increase in the number of offenders placed on probation, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

No data exists to predict the bill's effect on DOC's offender populations which is necessary to estimate the bill's fiscal impact on the DOC; therefore, this estimate is indeterminate.

Counties will incur additional costs for housing these offenders. In order to relieve the bed space pressures resulting from 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. alcohol and other drug abuse) 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 local fiscal impact of the bill cannot be predicted because the DOC cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law.

Long-Range Fiscal Implications