

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-1657/1	Introduction Number SB-135
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Description
 revocation of operating privilege for certain offenses related to operating while intoxicated, operating after revocation, making an appropriation, 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	

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Fiscal Estimate Narratives

SPD 4/19/2017

LRB Number	17-1657/1	Introduction Number	SB-135	Estimate Type	Original
Description revocation of operating privilege for certain offenses related to operating while intoxicated, operating after revocation, making an appropriation, 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 provides for permanent revocation of a person's operating privilege if the person commits certain offenses related to drunken driving or driving under the influence of an intoxicant or other drug (OWI offenses).

Under current law, the Department of Transportation (DOT) may revoke or suspend a person's operating privilege if the person commits certain traffic offenses or crimes, such as operating a vehicle while intoxicated. The period of revocation varies based on the reason for the revocation, generally ranging from several months to a year. Suspensions of operating privileges may also be ordered by a court adjudicating an underlying criminal or traffic offense. Suspensions by a court also vary in length based on the underlying criminal or traffic offense, ranging from several months to several years.

This bill requires DOT to permanently revoke the operating privilege of a person who meets either of the following requirements: 1. The person has committed four or more OWI offenses. 2. The person has committed two or more OWI offenses and has two or more "qualifying convictions". A qualifying conviction is 1) a conviction for certain homicides that involve the use of a motor vehicle or 2) a conviction for certain felonies involving the use of a motor vehicle.

The bill also proposes increasing the penalty for person's operating a motor vehicle after revocation from \$2,500 or imprisonment for not more than one year, or both to \$10,000 or imprisonment for not more than one year, or both.

Because the bill increases penalties for an already existing crime, it is unlikely that the bill will result in significant additional cost to the SPD.

Long-Range Fiscal Implications