

Fiscal Estimate Narratives

DA 4/5/2017

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|---|-----------|---------------------|--------|---------------|----------|
| LRB Number | 17-1979/1 | Introduction Number | SB-072 | Estimate Type | Original |
| Description committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a criminal penalty | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, a sentencing court is required to impose a sentence for a fifth or sixth OWI offense that orders the person to spend at least 18 months confined in prison.

District Attorney offices indicate mandatory minimum sentencing may result in an increase in contested trials and fewer plea agreements. Prosecutors further indicate jury trials take a significant amount of resources in terms of pre-trial motion practice, preparation of witnesses and evidence and length of time spent in the courtroom. It is unknown how many more fifth and sixth offense OWI defendants will forego a plea agreement and elect a trial by jury. Therefore, the fiscal estimate is indeterminate.

Long-Range Fiscal Implications

For the reasons cited above, the long-range fiscal effect is indeterminate.