



## Fiscal Estimate Narratives

CTS 2/18/2020

LRB Number	19-5565/1	Introduction Number	AB-0853	Estimate Type	Original
<b>Description</b> theft of a vehicle; victim impact panels; increased penalties for reckless driving; increased penalties for fleeing an officer; and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill increases the penalties for vehicle theft, reckless driving and fleeing an officer.

The bill increases the penalties for vehicle theft by one felony classification and imposes a 30-day mandatory minimum term of incarceration for vehicle theft, for knowingly being a passenger in a stolen vehicle, or for removing a part of a vehicle without the consent of the owner. The bill requires a minimum of 30 days in a juvenile detention facility (or similar facility) for juveniles adjudged delinquent for any of these same crimes.

For reckless driving convictions, the bill doubles applicable forfeitures, increases fines and increases the penalties for more serious violations (usually involving bodily harm) by one felony classification.

The bill increases the penalties for fleeing an officer by one felony classification.

In addition, for each of these violations, the bill requires a prosecutor who seeks to dismiss or amend a charge to apply to the court for approval. The court may approve the application only if the court finds that the proposed amendment or dismissal is consistent with the public's interest in deterring future violations of that provision.

Finally, the bill allows a court to order a person who is found guilty of crimes relating to reckless driving or vehicle theft to attend a victim impact panel or similar program as a part of his or her sentence or disposition.

To determine the impact on required judicial resources, we have relied on the Wisconsin Judicial Workload Assessment 2016, submitted to the Director of State Courts by the National Center for State Courts. For this study, all Wisconsin judges and court commissioners participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution. According to the study, felony cases took 197 minutes of judicial time. For purposes of comparison, the same study found misdemeanor cases took 39 minutes of judicial time and contested traffic or ordinance violations that result in forfeitures took 8 minutes of judicial time.

Felony proceedings generally require additional court appearances and more court hearings than misdemeanors. Additional court proceedings require judge, court reporter, court staff and juror time. These costs are borne by the state and the county.

The bill increases the crime of reckless driving causing bodily injury from a misdemeanor to a felony. Based on court system data for the calendar years 2014-2017, there were an average of 99 cases filed per year in which the charge was a violation of s. 346.62(3), misdemeanor reckless driving causing bodily injury to another. Using the Judicial Needs Assessment findings, these cases would require the equivalent of 20% of one judge's time available in a year. Because these felony cases are heard throughout the state, however, it is estimated the additional workload could be absorbed by existing judges and court staff.

For the other crimes impacted by this bill, there are no new categories of cases to come before the circuit courts and will only impact cases already being brought. The bill could, however, increase the complexity and length of some cases heard by the courts because of the increased penalties. It is expected that existing court staff could absorb any changes that result from these changes.

This bill is likely to increase costs to the counties in at least two ways: (1) the mandatory minimum term of incarceration may result in additional usage of the county jails, the costs of which are borne by the counties; and

(2) the bill will impact costs to counties for the services they provide for juveniles who are charged under the Juvenile Justice Code. The bill requires a minimum of 30 days in a juvenile detention facility (or similar facility) for juveniles adjudged delinquent for crimes involving vehicle theft. An accurate estimate of the change in county costs is impossible with the data available.

As mentioned above, the bill increases applicable forfeitures and fines for reckless driving violations and will increase revenues to the state.

For purposes of estimating the number of reckless driving cases impacted by this bill, we have used Department of Transportation (DOT) data that records the number of traffic convictions entered on the driver record file for various violations. The DOT data includes convictions from both circuit courts and municipal courts. This is the most complete data available for municipal court actions. The DOT data slightly underreports the total number of cases handled by the courts because it does not include cases that did not result in conviction. For purposes of this estimate, however, the DOT provides useful data.

The DOT data for calendar year 2018, the most recent year available, shows there were 1,801 convictions entered on driver record files for violations of s. 346.62(2), reckless driving. These convictions could be the result of civil cases (resulting in forfeitures) or criminal cases (either misdemeanor or felony). Based on court system data for the calendar years 2014-2017, there were an average of 155 criminal cases filed per year in which the charge was a violation of s. 346.62(2), 346.62(3) or 346.62(4). That leaves 1,646 cases involving civil forfeitures.

The bill increases the forfeiture range for a violation of s. 346.62(2) from \$25 - \$200 to \$50 - \$500. Using the 1,646 cases estimated to be involved, that provides a range of new forfeiture revenue of \$41,150 up to \$493,800 per year. Based upon a recent study of collections of forfeitures in Wisconsin, not all forfeitures imposed are collected or collectible. The average collection rate for traffic forfeitures is 82% of the amount imposed. That leaves an estimated range of new forfeiture revenue of \$33,743 to \$404,916 per year. Forfeiture revenue is paid into the common school fund.

Fines for misdemeanor and some felony reckless driving violations have also been increased. An accurate estimate of the increased revenues is impossible with existing data, as there is insufficient data on the breakdown of the number of violations of each type.

### **Long-Range Fiscal Implications**