

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1199/1	Introduction Number SB-007
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Description
 requiring persons accused of violating traffic laws and ordinances related to driving while intoxicated to appear in person in court

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
- Increase Existing Appropriations
 Increase Existing Revenues
 Increase Costs - May be possible to absorb within agency's budget
- Decrease Existing Appropriations
 Decrease Existing Revenues
 Yes No
- Create New Appropriations Decrease Costs

Local:

- No Local Government Costs
 - Indeterminate
 - 1. Increase Costs
 3. Increase Revenue
 - Permissive Mandatory
 Permissive Mandatory
 - 2. Decrease Costs
 4. Decrease Revenue
 - Permissive Mandatory
 Permissive Mandatory
5. Types of Local Government Units Affected
- Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected

- GPR
 FED
 PRO
 PRS
 SEG
 SEGS

Affected Ch. 20 Appropriations

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DA 3/11/2019

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Description requiring persons accused of violating traffic laws and ordinances related to driving while intoxicated to appear in person in court		

Assumptions Used in Arriving at Fiscal Estimate

This bill requires a person who receives a citation for a civil traffic violation related to operating while intoxicated to appear in court to respond to the charge. Under current law, generally, a first violation of operating a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in one's blood, or with a prohibited alcohol concentration (OWI-related violation), is a traffic violation punishable by a civil forfeiture. Current law allows local units of government to enact ordinances in conformity with the state traffic law that punishes most first OWI-related offenses as a civil violation.

Under current law, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity with the OWI-related traffic violation may opt to appear in court to plead not guilty to the violation or may opt to pay the forfeiture associated with the violation and avoid an appearance in court. Generally, a person who pays the forfeiture associated with the violation is considered to have pled guilty or no contest to the charge.

Under this bill, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity therewith is required to appear in court to plead guilty, no contest, or not guilty to the charge. If the person fails to appear in court, the court is required to enter a default judgment against the person and impose the applicable penalties and a \$300 surcharge for the person's failure to appear.

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The primary impact cited by responsive District Attorneys on requiring physical appearance by individuals accused of 1st offense OWI would be the effects on the court calendar and space constraints in the current statewide justice facilities. The scale of the impact is unknown. There also exists the possibility that requiring physical presence of the defendant to cause them be more likely to retain an attorney and thus be more likely to litigate or contest the charge.

Long-Range Fiscal Implications

Data with which to make a long range fiscal projection as to the effect of this legislative proposal is unavailable.