

Fiscal Estimate Narratives

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LRB Number 19-1199/1	Introduction Number SB-007	Estimate Type Original
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.

This bill does not create a new crime nor does it alter statutes as they relate to crimes currently prosecutable under law. No data exists to indicate that this bill would have any fiscal impact on the Department of Corrections. It is possible that the Department would collect the new surcharge imposed under the bill from individuals on probation, parole, or extended supervision if the surcharge is ordered by a circuit court.

It is unknown what fiscal impact this bill would have on local government. Local revenues may change depending on the number of individuals ordered to pay the surcharge proposed under the bill.

Long-Range Fiscal Implications