

Fiscal Estimate - 2019 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 19-1204/1	Introduction Number SB-008	
Description mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty		
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 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 </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Towns <input checked="" type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div> <input type="checkbox"/> Cities </div> </div> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>		
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Fiscal Estimate Narratives

CTS 5/1/2019

LRB Number	19-1204/1	Introduction Number	SB-008	Estimate Type	Original
Description mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill imposes a mandatory minimum period of initial confinement in prison for persons convicted of homicide by intoxicated use of a vehicle. Under the bill, persons convicted of this offense must be sentenced to a minimum of five years in prison. The bill also provides that a court may impose a sentence that is less than this minimum if: (1) the death caused was to a person who was a passenger in the vehicle at the time of the violation; (2) the court finds that the best interests of the community will be served and the public will not be harmed; and (3) the court places its reasons on the record.

Under current law, homicide by intoxicated use of a vehicle is classified as either a Class C or a Class D felony, depending on whether the person has prior convictions for operating a vehicle while intoxicated.

This bill does not create a new category of crime and will only impact cases already being brought. It also does not create new procedures that would require additional court resources.

Based on statistics compiled by the court system, it is estimated less than 50 cases brought each year would be impacted by this bill draft. In addition, statistics also show more than 90% of felony traffic cases are disposed of by a plea before trial.

If the requirement of mandatory initial confinement in prison results in more parties requesting resolution by trials rather than by pleas, then there could be additional court resources required. It is impossible to predict how frequently that may happen. It is expected that existing court staff would absorb any additional proceedings.

This bill may result in changes to usage of county jails. Offenders would be assigned to the state prison system because the period of confinement would be greater than one year. This bill may result in persons spending less time in county jails because that sentencing option would no longer be available. An accurate estimate of the change in costs is impossible with the data available.

Long-Range Fiscal Implications