

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

| | |
|-----------------------------|-----------------------------------|
| LRB Number 19-1198/1 | Introduction Number SB-009 |
|-----------------------------|-----------------------------------|

Description
 penalties for offenses related to operating a vehicle while intoxicated and providing a penalty

Fiscal Effect

State:

| | | |
|--|--|---|
| <input type="checkbox"/> No State Fiscal Effect | <input checked="" type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget |
| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Increase Existing Appropriations | | <input type="checkbox"/> Decrease Costs |
| <input type="checkbox"/> Decrease Existing Appropriations | | |
| <input type="checkbox"/> Create New Appropriations | | |

Local:

| | | |
|---|---|---|
| <input type="checkbox"/> No Local Government Costs | | |
| <input type="checkbox"/> Indeterminate | | |
| 1. <input checked="" type="checkbox"/> Increase Costs | 3. <input checked="" type="checkbox"/> Increase Revenue | 5. Types of Local Government Units Affected |
| <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory | <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory | |
| 2. <input type="checkbox"/> Decrease Costs | 4. <input type="checkbox"/> Decrease Revenue | |
| <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | |
| | | |
| | | |

Towns Village Cities
 Counties Others
 School Districts WTCS Districts

| | |
|--|---------------------------------------|
| Fund Sources Affected | Affected Ch. 20 Appropriations |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS | 20.455 (2)(Lm) and 20.455 (2)(Lp) |

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|--|---|-------------------------|
| Agency/Prepared By DOJ/ Michelle Gauger (608) 267-6714 | Authorized Signature Michelle Gauger (608) 267-6714 | Date 4/9/2019 |
|--|---|-------------------------|

Fiscal Estimate Narratives

DOJ 4/9/2019

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|---|-----------|---------------------|--------|---------------|----------|
| LRB Number | 19-1198/1 | Introduction Number | SB-009 | Estimate Type | Original |
| Description penalties for offenses related to operating a vehicle while intoxicated and providing a penalty | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a first offense for operating a motor vehicle while intoxicated (OWI) is a civil violation subject to a forfeiture of \$150-\$300. This bill makes first offense OWI a misdemeanor punishable by a fine up to \$500, imprisonment for up to 30 days, or both.

Current law requires the submission of DNA specimens from individuals convicted of misdemeanors, which includes all adults and a subset of juveniles, to be added to the State Crime Laboratory DNA Reference Databank. Current law imposes a DNA Surcharge of \$200 on individuals convicted of misdemeanors with the revenues directed to the Department of Justice to fund the DNA Databank, DNA evidence testing, and the collection of DNA specimens by law enforcement agencies and other state agencies. Under current law, law enforcement agencies are reimbursed \$10 per DNA specimen that is collected and submitted to the State Crime Laboratories for the DNA Databank if the individual's specimen is not already included in the DNA Databank.

This bill will increase the number of DNA specimens submitted to the State Crime Laboratories related to misdemeanor convictions and the number of individuals subject to the DNA Surcharge. According to Department of Transportation records, there were 14,313 convictions for first offense OWI and 4,607 convictions for second offense OWI in calendar year (CY) 2017.

Law enforcement agencies are instructed to review Wisconsin criminal history information to determine whether the convicted individual's DNA is on file in the DNA Databank. If no DNA is on file, the law enforcement agency must complete a DNA Submission form including the subject's fingerprints and collect and submit the DNA specimen to the State Crime Laboratories. The State Crime Laboratories will review and confirm the fingerprints, determine whether the DNA specimen is on file or needs to be tested and added to the DNA Databank, and will retain the DNA specimen for future reference.

In CY 2018, the State Crime Laboratories received 29,900 reference DNA specimens to be added to the DNA Databank. It is not known how many of the individuals convicted of first offense OWI have had previous criminal convictions but the estimate assumes the receipt of approximately 14,000 additional misdemeanor specimens per year, which is a 47% increase in annual submissions. It is believed that the number of DNA specimens submitted for second offense OWI will eventually decrease as the percentage of individuals convicted of second offense OWI with a previous criminal conviction increases following the passage of this bill. The timing and scope of this reduction is unknown and impact is likely to be several years in the future. The estimate includes \$140,000 in annual costs for payments to law enforcement agencies to cover the costs of collecting and submitting DNA specimens to the State Crime Laboratories.

The State Crime Laboratories will require an additional 3.0 full-time equivalent (FTE) positions in the Automated Fingerprint Identification System (AFIS) Unit to process and validate fingerprints submitted on an additional 14,000 DNA Submission forms. The AFIS unit will also incur \$2,500 in one-time costs for the purchase of an additional AFIS terminal and ongoing costs of \$1.38 per form for materials and supplies related to processing each DNA Submission form and adding a set of fingerprints into the AFIS system.

The State Crime Laboratories will require 3.0 FTE positions in the DNA Databank Unit to process, test and store an additional 14,000 DNA reference specimens. The DNA Databank Unit will also incur \$10,000 in one-time equipment costs and ongoing costs of \$8.58 for each additional DNA specimen collection kit and \$10.37 for materials and supplies related to each DNA specimen tested.

In total, the department estimates the State Crime Laboratories will require 6.0 FTE positions, \$12,500 in one-

time funding and \$845,600 in annual ongoing funding process the additional DNA specimens.

Under this bill, the \$200 DNA Surcharge would be imposed on approximately 14,000 additional individuals convicted of misdemeanors. It is difficult to estimate the amount of the imposed surcharge that will be collected and when it will be collected. A recent study issued by the Wisconsin Director of State Courts Office found that 43% of the total legal financial obligations related to criminal traffic convictions, including fines and surcharges, were paid within 3 years and that 21% of the legal financial obligations related to misdemeanor convictions were paid within 3 years. Based on these percentages, the additional DNA Surcharge revenue will total between \$588,000 - \$1,200,000 per year after three years. The department believes that the increase in DNA Surcharge revenues should eventually be sufficient to support the increase in Crime Laboratory testing and processing costs related to the submission of DNA specimens from individuals convicted of misdemeanor OWI.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

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| Description penalties for offenses related to operating a vehicle while intoxicated and providing a penalty | | | |
| I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): \$12,500 in one-time costs for State Crime Laboratory computer equipment and an Automated Fingerprint Information System (AFIS) terminal. | | | |
| II. Annualized Costs: | | Annualized Fiscal Impact on funds from: | |
| | | Increased Costs | Decreased Costs |
| A. State Costs by Category | | | |
| | State Operations - Salaries and Fringes | \$391,700 | \$ |
| | (FTE Position Changes) | (6.0 FTE) | |
| | State Operations - Other Costs | 313,900 | |
| | Local Assistance | 140,000 | |
| | Aids to Individuals or Organizations | | |
| | TOTAL State Costs by Category | \$845,600 | \$ |
| B. State Costs by Source of Funds | | | |
| | GPR | | |
| | FED | | |
| | PRO/PRS | 845,600 | |
| | SEG/SEG-S | | |
| III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | | | |
| | | Increased Rev | Decreased Rev |
| | GPR Taxes | \$ | \$ |
| | GPR Earned | | |
| | FED | | |
| | PRO/PRS | 845,600 | |
| | SEG/SEG-S | | |
| | TOTAL State Revenues | \$845,600 | \$ |
| NET ANNUALIZED FISCAL IMPACT | | | |
| | | <u>State</u> | <u>Local</u> |
| NET CHANGE IN COSTS | | \$845,600 | \$140,000 |
| NET CHANGE IN REVENUE | | \$845,600 | \$140,000 |
| Agency/Prepared By | | Authorized Signature | Date |
| DOJ/ Michelle Gauger (608) 267-6714 | | Michelle Gauger (608) 267-6714 | 4/9/2019 |