



MICHAEL SCHRAA

STATE REPRESENTATIVE • 53RD ASSEMBLY DISTRICT

P.O. Box 8953
Madison, WI 53708

Office: (608) 267-7990
Toll-Free: (608) 534-0053
Rep.Schraa@legis.wi.gov

Testimony on AB 839

Thank you Chairman Kleefisch, Vice Chair Kremer, and members of the committee for giving me the opportunity to provide testimony on this legislation regarding programs to combat drunk driving.

The popularity of 24/7 Sobriety programs has increased over the years. These programs require someone who is convicted of an alcohol related offense to take breathalyzer tests two times a day or wear an alcohol monitoring bracelet. Individuals who fail or don't submit to the required test would be punished with jail time or further fines. Currently, if an individual is convicted of their second or higher drunk driving charge or their blood alcohol level is higher than 0.15%, they must have an ignition interlock device (IID) installed in their vehicle. The upfront costs of that can be up to \$150 and up to \$80 per month after that.

Winnebago County has been running a 24/7 Sobriety program for several years with good results. The program is designed to be self-funding and costs the participant between \$3 and \$6 a day. The purpose of this bill is to make this successful program easier to administer and provide more flexibility to judges. As amended, AB 839 provides the following options for a judge: order the installation of an IIDs in all of an individual's cars, order an individual to participate in a 24/7 Sobriety program in addition to the installation of an IID, or order an individual into a 24/7 Sobriety program while delaying the installation of an IID until they complete the program. The amendment that we introduced made a few changes to the bill to ensure that judges in pilot program counties can use the 24/7 Sobriety program as part of their pre-trial strategy. Currently, the program is only available after a conviction.

An individual generally participates in a 24/7 Sobriety program for an average of just under three months, and the requirement for an ignition interlock device is usually a year or more. These sobriety programs have been shown to help reduce recidivism rates of drunk driving. An individual required to have an IID who is also participating in the sobriety program would be paying daily costs of both programs. AB839 provides options to judges that reduce the costs to individuals almost in half. This will help incentivize more people to participate in successful 24/7 Sobriety programs.

Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate - 2015 Session

Original Updated Corrected Supplemental

LRB Number 15-4636/1		Introduction Number AB-0839	
Description Participation in a sobriety program			
Fiscal Effect			
State:			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input checked="" type="checkbox"/> Counties	<input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR	<input type="checkbox"/> FED	<input type="checkbox"/> PRO	<input type="checkbox"/> PRS
<input type="checkbox"/> SEG	<input type="checkbox"/> SEGS		
Agency/Prepared By	Authorized Signature	Date	
DOT/ Martin Broyles (608) 709-0103	Jennifer Peters (608) 267-6979	2/10/2016	

Fiscal Estimate Narratives

DOT 2/10/2016

LRB Number	15-4636/1	Introduction Number	AB-0839	Estimate Type	Original
Description					
Participation in a sobriety program					

Assumptions Used in Arriving at Fiscal Estimate

There is no fiscal effect on DOT.

AB-839 would allow judges to order a person to a sobriety program under s. 165.957, Stats., created with 2015 Act 55. These programs are to be administered by county governments. 165.957 (4)(d) requires that participant fees for the program be sufficient to cover the costs of this program. 165.957 (5)(a) requires counties to pay DOJ a portion of their revenues. The standard for setting fees is to be determined by a DOJ rule per 165.957 (3) (b). There is an indeterminate fiscal effect on county governments that may or may not increase revenues pending on the DOJ rule.

Long-Range Fiscal Implications



State Senator
Rick Gudex

District 18

February 11, 2016

To: The Assembly Committee on Criminal Justice and Public Safety
From: Sen. Rick Gudex
RE: AB 839

Mr. Chairman, members of the committee, thank you for hearing this important bill today.

We all know that people convicted of drunk driving more than once, or convicted with more than .15% blood alcohol content, have to install an interlock ignition device in their cars. Until recently, federal law offered an enormous disincentive to states which might have wanted to create exceptions to that requirement. Tinkering with it would have cost Wisconsin millions of dollars of federal transportation money.

But Congress recently included a narrow exception to this: now, a judge can choose to order a person into a 24/7 Sobriety program instead of installing an IID without affecting a state's federal transportation dollars.

24/7 Sobriety is a program that requires frequent – twice daily – testing for alcohol. A participant who misses a test or who fails one is subject to immediate sanctions – usually, immediate arrest and jail time. Several other states have begun 24/7 programs and report significant improvements in recidivism rates. A study on South Dakota's program showed recidivism rates cut in half. Additionally, Winnebago County began their own 24/7 program several years ago, and a study conducted by their sheriff's department showed recidivism rates of one third the state recidivism rate over three years.

These results are promising, and as a result DOT has begun a pilot program to help more counties start their own 24/7 programs. DOJ has also begun a program to gather data from 24/7 in Wisconsin and give us even more evidence of its effectiveness (or lack thereof). So today, we are here to ask you to help us remove an obstacle that makes 24/7 more difficult to administer, and to participate in.

This change: allow an exception to the IID requirement for 24/7 participants.

The reason for this is largely cost. The 24/7 program is designed to be self-supporting, paid for by user fees. In Winnebago County, that's between \$3 and \$6 a day, depending on the type of equipment used for testing.

According to Mothers Against Drunk Driving, an ignition interlock device costs between \$70 and \$150 up front, and between \$60 and \$80 per month thereafter. Only between \$2 and \$3 a day, but for someone coming off of the expense of an OWI conviction, possibly including jail time, and possibly out of work, that could be a lot of money.

Under this bill and the accompanying amendment, a court will have three options: order a person to install IIDs in all of his/her vehicles; order a person into a 24/7 program and also to install IIDs; or order a person into a 24/7 program, and put off installing the IIDs until that person is no longer in the program. This will cut the person's costs nearly in half, removing for many people what is a huge disincentive to participate.

Don't get me wrong. I'm not crying for anyone who puts lives at risk by driving drunk. But paying for the IID creates a strong disincentive for public officials to engage in new programs, and for those who need them to take part.