

FISCAL ESTIMATE

DOA-2048 N(R10/98)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Changes to the OWI laws

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

s. 20.550 (1)(d)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes various changes to the OWI laws. Enactment of this bill would have the following fiscal impact on the State Public Defender's Office (SPD).

First, the bill's provision reducing the prohibited alcohol concentration (PAC) from .08 to .02 for persons with three or more prior OWI convictions would likely increase the number of OWI cases handled by the SPD, thus increasing costs.

Second, the bill's provisions increasing the mandatory minimum period of imprisonment for OWI 2nd, 3rd, and 4th may affect the number of persons who opt to have a jury trial instead of plead guilty to the charge, thus increasing costs.

Third, the bill's provisions doubling, tripling, and quadrupling the penalties for OWIs involving certain PAC levels will increase costs because such provisions would change certain OWIs from misdemeanors to felonies. Felony cases are more expensive than misdemeanor cases because additional hearings are involved (i.e. a preliminary hearing) and the penalties are more severe. Also, longer suspension and revocation periods as well as an increase in fine amounts could increase the number of operating after suspension (OAS) or operating after revocation (OAR) cases.

Finally, the bill's provisions making suspensions mandatory for juveniles involved in certain alcohol offenses could increase the number of OAS or OAR cases.

With the data presently available, the SPD is unable to estimate the costs involved with the above provisions. Also, this fiscal estimate assumes that the private bar would handle any additional cases that may be created by enactment of this bill.

Long-Range Fiscal Implications

Indeterminate at this time.

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