

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

- ORIGINAL       UPDATED  
 CORRECTED       SUPPLEMENTAL

**Subject**

Driving a motor vehicle while under the influence of an intoxicant and providing penalties

**Fiscal Effect**

State:  No State Fiscal Effect

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

X 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 changes the penalties for operating while intoxicated (OWI) if the person has a prohibited alcohol concentration (PAC) of .18 or greater. Specifically, one provision of the bill makes it a misdemeanor crime punishable by a fine and jail time to commit OWI-1<sup>st</sup> offense with a PAC of .18 or greater. (Under current law, an OWI-1<sup>st</sup> is a civil offense, regardless of the PAC level.) Making OWI-1<sup>st</sup> offense with a PAC of .18 or greater a crime would create new cases for the Office of the State Public Defender (SPD), thus increasing costs. (Because they are currently civil offenses, OWI-1<sup>st</sup> offense cases are not currently handled by the SPD.)

Per data from the Department of Transportation (DOT), approximately 6,613 persons convicted of OWI-1<sup>st</sup> offense in 1997 tested a PAC level of .18 or greater. Assuming the same number of 1<sup>st</sup> offenders would test .18 or greater if this bill is enacted, the SPD would handle an additional 1,984 misdemeanor cases per year. (The SPD assumes that it represents approximately 30% of the total number of OWI offenders.) An additional 1,984 misdemeanor cases per year would cost the SPD \$567,424 per year (assumes the \$40 per hour private rate and that the additional cases would be handled by the private bar, not staff.)

It should be noted that per the data from the DOT, the PAC level was unknown for approximately 3,164 1<sup>st</sup> offenders in 1997. (This figure does not include the number of offenders who refused the test.) Therefore, the additional cases handled by the SPD could be higher than 1,984 per year if any of the "unknowns" had a PAC of .18 or greater, thus further increasing the SPD's costs.

**Long-Range Fiscal Implications**

Additional costs of \$567,424 per year.

Agency/Prepared by: (Name & Phone No.)  
Public Defender/Gina Pruski/6-6782

Authorized Signature/Telephone No.

*Gina Pruski* 6-6782

Date

April 19, 1999

**FISCAL ESTIMATE WORKSHEET**

1999 Session

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/98)

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
SB 95 (LRB-2118/2)

Amendment No.

**Subject**  
Driving a motor vehicle while under the influence of an intoxicant and providing penalties

**I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	(- FTE)
State Operations - Other Costs (Private Bar Appropriation)	\$567,424	-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs by Category</b>	<b>\$567,424</b>	<b>\$ -</b>
<b>B. State Costs by Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR	\$567,424	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>State Revenues</b> Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$ -</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$567,424	\$ _____
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency/Prepared by: (Name & Phone No.) Public Defender/Gina Pruski/6-6782	Authorized Signature/Telephone No. <i>Gina Pruski</i> 6-6782	Date April 19, 1999
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