

**FISCAL ESTIMATE**

DOA-2048 N(R10/98)

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

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

Local:  No local government costs

- |  |   |   |
|--|---|---|
| <p>1. <input type="checkbox"/> Increase Costs<br/> <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory</p> | <p>3. <input type="checkbox"/> Increase Revenues<br/> <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory</p> | <p>5. Types of Local Governmental Units Affected:<br/> <input type="checkbox"/> Towns            <input type="checkbox"/> Villages            <input type="checkbox"/> Cities<br/> <input type="checkbox"/> Counties        <input type="checkbox"/> Others _____<br/> <input type="checkbox"/> School Districts        <input type="checkbox"/> WTCS Districts</p> |
| <p>2. <input type="checkbox"/> Decrease Costs<br/> <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory</p> | <p>4. <input type="checkbox"/> Decrease Revenues<br/> <input type="checkbox"/> Permissive    <input type="checkbox"/> Mandatory</p> |   |

**Fund Sources Affected**

- X 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 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 state 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.)

The SPD has no data from which to estimate local government costs.

**Long-Range Fiscal Implications**

Indeterminate at this time.

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Date  
April 26, 1999