

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>05-4630/1</b>	<b>Introduction Number</b> <b>AB-1023</b>
<b>Description</b> Discovery in implied consent cases involving drunken driving and in certain prosecutions for alcohol beverage violations	
<b>Fiscal Effect</b>  <b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs	
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Existing Costs      3. <input type="checkbox"/> Increase Revenue <b>5. Types of Local Government Units Affected</b> <input type="checkbox"/> Permissive <input checked="" 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 Existing 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	
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
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<b>Date</b> 2/22/2006	

## Fiscal Estimate Narratives

CTS 2/23/2006

LRB Number	05-4630/1	Introduction Number	AB-1023	Estimate Type	Original
<b>Description</b> Discovery in implied consent cases involving drunken driving and in certain prosecutions for alcohol beverage violations					

### Assumptions Used in Arriving at Fiscal Estimate

This bill would limit the use of pretrial discovery in implied consent cases involving drunken driving and in certain violations of the alcohol beverage statute. The bill allows a defendant to bring a motion asking the court to permit inspection of documents and to test any devices used by the plaintiff to determine whether a violation has been committed. The court has discretion whether to grant the motion and to prescribe conditions under which the testing of devices is to take place.

Pretrial discovery in civil cases (which is governed generally by ch. 804, Stats. and may include production of documents, interrogatories, depositions and requests for admission) is designed to be conducted by the parties without judicial involvement. Courts do, however, often end up involved in discovery. For example, the court may be required to decide demands for discovery, challenges to the constitutionality of a statute limiting discovery, incomplete discovery, late discovery, sanctions where no discovery is provided, or requests to set over trials where discovery is not finished properly. It is unclear whether this bill would involve the court more or less than under current circumstances. In the past, new legislation involving drunken driving has usually generated court involvement.

In addition, it is possible that refusal hearings may take longer and use more court resources in the absence of discovery. If facts are not discovered or questions answered before a hearing, then it may be necessary to explore those areas as part of the hearing.

It is unknown how many cases will be subject to the terms of this bill. Additional proceedings or longer hearings require additional judge, court reporter, and court staff time. These costs are borne by both the state and the county. An accurate estimate of any additional costs is impossible with the data available, but it is likely to have a minor impact on the overall workload of the circuit courts.

### Long-Range Fiscal Implications