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### Fiscal Estimate - 2005 Session

Original       Updated       Corrected       Supplemental

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| <b>LRB Number</b> <b>05-4053/2</b>                                                                                                                                                                                                                                                                       | <b>Introduction Number</b> <b>SB-611</b>                                                                                                                                                                                                                                                                        |             |
| <b>Description</b><br>Testing of persons involved in certain motor vehicle accidents and providing a penalty                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                 |             |
| <b>Fiscal Effect</b>                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |             |
| <b>State:</b>                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                 |             |
| <input type="checkbox"/> No State Fiscal Effect<br><input checked="" type="checkbox"/> Indeterminate                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                 |             |
| <input type="checkbox"/> Increase Existing Appropriations<br><input type="checkbox"/> Decrease Existing Appropriations<br><input type="checkbox"/> Create New Appropriations                                                                                                                             | <input type="checkbox"/> Increase Existing Revenues<br><input type="checkbox"/> Decrease Existing Revenues<br><input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Decrease Costs |             |
| <b>Local:</b>                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                 |             |
| <input type="checkbox"/> No Local Government Costs<br><input type="checkbox"/> Indeterminate                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                 |             |
| 1. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                                                             | 3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>4. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                                                                |             |
| 5. Types of Local Government Units Affected<br><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities<br><input type="checkbox"/> Counties <input type="checkbox"/> Others<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |                                                                                                                                                                                                                                                                                                                 |             |
| <b>Fund Sources Affected</b>                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                 |             |
| <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS                                                                                                                |                                                                                                                                                                                                                                                                                                                 |             |
| <b>Affected Ch. 20 Appropriations</b>                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                 |             |
| <b>Agency/Prepared By</b>                                                                                                                                                                                                                                                                                | <b>Authorized Signature</b>                                                                                                                                                                                                                                                                                     | <b>Date</b> |
| SPD/ Mike Tobin (608) 266-8259                                                                                                                                                                                                                                                                           | Krista Ginger (608) 264-8572                                                                                                                                                                                                                                                                                    | 2/24/2006   |

## Fiscal Estimate Narratives

SPD 2/27/2006

|                                                                                                              |                  |                     |               |               |                 |
|--------------------------------------------------------------------------------------------------------------|------------------|---------------------|---------------|---------------|-----------------|
| LRB Number                                                                                                   | <b>05-4053/2</b> | Introduction Number | <b>SB-611</b> | Estimate Type | <b>Original</b> |
| <b>Description</b><br>Testing of persons involved in certain motor vehicle accidents and providing a penalty |                  |                     |               |               |                 |

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

This bill does not create a new criminal offense or increase the penalties for an existing offense. Thus, it would not bring about the type of increased SPD workload and cost generally associated with those types of proposals. This bill expands the circumstances under which a police officer may either request submission to a chemical test or place a driver under arrest. SPD does not have data available to determine the number of additional cases that could result from the expanded definition in this bill.

The SPD anticipates that in most cases in which an officer detects the presence of alcohol (on the driver's breath, for example) or controlled substances following an accident, the officer has a legal basis under existing law to take the steps necessary to investigate possible impaired or otherwise illegal driving.

The circumstances that could lead to an increase in cases or other workload include 1) any case in which a police officer would not have asked for a chemical test under current law; and 2) cases in which litigation occurs regarding the validity of a test result or an arrest occurring under the bill's new provisions.

If the bill results in additional criminal cases, counties may also see increased costs for appointment at county expense (for defendants who are constitutionally indigent, yet exceed the strict SPD financial criteria) and for jail costs.

### Long-Range Fiscal Implications