

### Fiscal Estimate - 2007 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>07-1922/1</b>	<b>Introduction Number</b> <b>SB-193</b>
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**Description**  
 Drunken driving and providing a penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</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>Agency/Prepared By</b> SPD/ Mike Tobin (608) 266-8259	<b>Authorized Signature</b> Krista Ginger (608) 264-8572	<b>Date</b> 6/8/2007
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## Fiscal Estimate Narratives

SPD 6/8/2007

LRB Number	07-1922/1	Introduction Number	SB-193	Estimate Type	Original
<b>Description</b> Drunken driving and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation that creates a new criminal offense or expands the definition of an existing criminal offense has the potential to increase SPD costs.

Although this bill does not create a new criminal offense, it would increase the maximum monetary penalties for first and second convictions of intoxicated-driving offenses (OWI). The proposed changes may result in additional contested sentencing hearings regarding the blood alcohol concentration at the time of the offense. The SPD does not provide representation in non-criminal traffic cases; therefore, the SPD would not be affected by the bill's change to the forfeiture amounts for first-offense OWI.

The SPD also provides representation to indigent respondents in certain contempt-of-court proceedings in which the respondent is facing potential incarceration. The increased fines proposed by this bill could result in an increased number of contempt cases brought in response to non-payment of fines in second-offense OWI cases. Many SPD clients already have great difficulty paying the applicable fines under current law.

The SPD does not have data to predict the number of contested sentencing hearings or contempt cases that might result from the changes proposed in this bill.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the factors discussed above (contested sentencing hearings and possible contempt cases) could add to county costs in cases in which the court appoints the defense attorney.

The proposed increased amounts of monetary penalties could result in higher revenue collections. However, this potential increase may be partially or wholly offset by increased costs to attempt to collect payment, including the costs of incarceration in any counties that pursue contempt proceedings as a collection strategy.

### Long-Range Fiscal Implications