

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-1424/1</b>	<b>Introduction Number</b> <b>AB-0218</b>
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**Description**  
 Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input checked="" type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input 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 Costs	4. <input type="checkbox"/> Decrease Revenue		<input 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	

<b>Agency/Prepared By</b> DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b> Mark Rinehart (608) 264-9463	<b>Date</b> 5/1/2009
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## Fiscal Estimate Narratives

DOJ 5/1/2009

LRB Number	09-1424/1	Introduction Number	AB-0218	Estimate Type	Original
<b>Description</b> Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person who commits their first OWI offense with a blood alcohol concentration between .08 and .099 is subject only to a forfeiture of not less than \$150 nor more than \$300. Among other things, 2009 Assembly Bill 218 subjects a person who commits their first OWI offense with a blood alcohol concentration between .08 and .99 to the several surcharges and fees paid by other OWI offenders, including the crime laboratories and drug law enforcement surcharge, and the penalty surcharge.

The crime laboratories and drug law enforcement surcharge is \$8 and is used to support the DNA databank, DNA evidence prosecution efforts, the crime laboratories, and drug law enforcement efforts. The penalty surcharge is generally assessed when a court imposes a fine or forfeiture for a violation of state law or local ordinance. The penalty surcharge is 26% of the fine or forfeiture. Penalty surcharge revenues are allocated to appropriations in a number of state agencies, including DOJ, to support specific programs. Approximately 65% of penalty surcharge dollars are allocated to DOJ programs.

According to DOT, in 2007, there were 950 cases of driver license revocations for 1st offense OWI with a BAC between .08 and .099. As a result, in 2007, \$7,600 (950 x \$8) in additional crime laboratories and drug law enforcement surcharge dollars could have been generated under AB 218. Also, a minimum of \$37,050 (950 x \$150 x 26%) in additional penalty surcharge dollars could have been generated and DOJ could have received an additional \$24,082 (\$37,050 x 65%) of penalty surcharge dollars for department programs in 2007 under AB 218.

### Long-Range Fiscal Implications