

Fiscal Estimate Narratives

DA 6/15/2009

LRB Number 09-2859/1	Introduction Number AB-0283	Estimate Type Updated
Description Operating a vehicle while intoxicated, granting rule-making authority, making an appropriation, and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

A major impact of this law is that fourth offense OWI would become a felony. This will lead to an increase in the number of motion hearings, trials, and appeals.

In 2007 there were 1,902 fourth offense OWI cases.
1,902 cases x 6.32 hours (dif. between felony and misdemeanor) = 12,020 hours
12,020 hours divided by 1,227 = 9.80 ADAs needed.

The impact of this law change could require 9.8 ADAs
Annual salary = \$47,036
Annual fringe = \$18,433
TOTAL = \$65,469 x 9.8 ADAs = \$641,596.

The figures above are based on those used in the DA workload analysis. Prosecutors believe that this bill would require more prosecutors than the figures above indicate, due to increased motion hearings and case filings associated with the bill.

Counties would face increases in jail costs.

Subsequent to submittal of the initial fiscal estimate, additional input was received from prosecutors. Most whom responded indicated that this bill would have a significant effect on DA offices, particularly due to the increase in the minimum penalties required by this bill. Major concerns include additional probation review hearings, jury trials, motion hearings, etc. As a result of increased minimum sentences, many defendants will call for a trial because their ability to plea would be taken away.

Additional ADAs would be needed because of provisions of the bill such as requiring at least two years in prison for 4th, 5th, or 6th OWI-related offenses, requiring at least three years in prison for 7th, 8th, or 9th OWI-related offenses, and a minimum of four years in prison for a 10th OWI-related offense.

In addition, 2nd or subsequent OWI-related offenses that cause injury to another person would be subject to imprisonment for not more than six years. Such offenses would likely go to trial.

While it is difficult to quantify this information due to a lack of data, many prosecutors estimated that they would need an increase in ADAs of approximately 20% of their current staff. 20% of the approximately 435 prosecutors would mean a need of 87 additional prosecutors. Using a more conservative number of 10% of staff would indicate a need of 43.5 prosecutors.

Using the conservative estimate of a need for 43.5 ADAs, the additional cost would be:
Annual salary = \$47,036
Annual fringe = \$18,433
TOTAL = \$65,469 x 43.5 ADAs = \$2,847,902.

The figures above are based on those used in the DA workload analysis.

Long-Range Fiscal Implications

For a long-range fiscal impact, please see above.