

### Fiscal Estimate - 2009 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number 09-4163/1</b>		<b>Introduction Number AB-0841</b>	
<b>Description</b> Intoxicated operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles, the calculation of the amount of moneys to be expended from the snowmobile account in the conservation fund for certain activities relating to snowmobile trails and routes, and providing penalties			
<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 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 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 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 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> <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>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b> DOC/ Dawn Woeshnick (608) 240-5417		<b>Authorized Signature</b> Robert Margolies (608) 240-5056	<b>Date</b> 3/24/2010

## Fiscal Estimate Narratives

DOC 3/24/2010

LRB Number	09-4163/1	Introduction Number	AB-0841	Estimate Type	Original
<b>Description</b> Intoxicated operation of all-terrain vehicles, snowmobiles, motorboats, and motor vehicles, the calculation of the amount of moneys to be expended from the snowmobile account in the conservation fund for certain activities relating to snowmobile trails and routes, and providing penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes a number of changes to laws governing the intoxicated operation of all-terrain vehicles (ATV), snowmobiles, and motorboats. When a person is before the court for a violation of the intoxicated operation of an ATV, the intoxicated boating, or the intoxicated snowmobiling law or the related refusal laws, current law only allows the court to count prior convictions if they were for intoxicated operation of the same type of recreational vehicle, not if the prior conviction(s) were for intoxicated operation of either of the other two recreational vehicles. This bill would require a court to count prior convictions of any of the intoxicated operation or refusal laws that occurred within the previous five years when imposing a penalty for a violation of the intoxicated ATV, boating, or snowmobile laws. This bill also allows the offender to complete a county treatment program in order to reduce their jail sentence. Finally, this bill provides more consistency among the laws governing intoxicated operation of an ATV, a snowmobile or a motorboat.

The mandatory minimum jail sentence increases each time a person is convicted of operating a recreational vehicle while intoxicated. Because this bill requires courts to count prior convictions from any of the three types of recreational vehicles when sentencing a person for the intoxicated operation of an ATV, snowmobile, or motorboat, it is feasible that some offenders will receive a longer period of probation and/or longer jail sentence than they would have under current law. It is not possible to determine the number of offenders who would be impacted by the requirement to count prior convictions in all three types of recreational vehicles, how judges would sentence given the prior convictions, or whether they would be placed on probation and/or sentenced to jail. Should the offender be placed on probation, the Department of Corrections would be responsible for the costs. The annual cost to supervise one offender on probation is approximately \$2,600. If the offender receives a jail sentence, counties would be responsible for the costs. While the cost to house an adult in a county jail will vary from county to county, it is estimated that the annual cost is approximately \$18,300.

This bill would allow counties to operate an alcohol and drug treatment program that includes reduced minimum periods of imprisonment as a result of successful completion of the program. Local county jails could experience savings as a result of reduced jail bed days for those offenders that successfully complete these programs. It is not possible to predict how many counties would implement such a program, the number of offenders who would be referred to these programs, what sentence lengths would be attached to the referred offenders, or if this program would be used in lieu of state probation or a jail sentence. It is therefore not possible to calculate what the fiscal impact would be either to the Department or to local county jails.

### Long-Range Fiscal Implications