

Fiscal Estimate Narratives
JUDCL 6/8/2009

LRB Number	09-1443/1	Introduction Number	SB-066	Estimate Type	Original
Description operation of a motor vehicle while under the influence of an intoxicant and providing a penalty.					

Assumptions Used in Arriving at Fiscal Estimate

The Judicial Council is a 21-member body of volunteers. Its current principal statutory responsibilities are to study and make recommendations relating to: (1) court pleading, practice and procedure; and (2) organization, jurisdiction and methods of administration and operation of Wisconsin courts. Senate Bill 66 expands the Judicial Council's responsibilities by requiring it to draft state-wide OWI sentencing guidelines, and make those guidelines and any revisions available to judges and attorneys at least annually.

The Judicial Council meets at the State Capitol once a month from September through June with meetings generally lasting less than four hours. Over sixty percent of the Council's members travel from Milwaukee or other areas of the state to attend meetings. Under current law, members are reimbursed for their actual expenses incurred in attending meetings, including mileage, parking and meals.

The Judicial Council is currently working on a number of projects and recommendations, and does not have sufficient time or resources to complete another major drafting project such as sentencing guidelines under its current meeting schedule. Therefore, the OWI sentencing guidelines would require the Council to place on-going projects on hold, schedule additional meetings, and/or schedule longer meetings.

Actual expense reimbursements to out-of-town council members can cost up to \$1350 per meeting. This figure does not include overnight accommodations, which would be required for approximately thirteen out-of-town council members if the Council were to conduct full day or multiple-day work sessions, at a cost of approximately \$910 per day. The Council's current budget contains no funding for 1) additional meetings or 2) overnight accommodations.

The OWI sentencing guidelines will also require a significant amount of staff time and resources, including extensive research, compilation of data, and drafting. Currently, the Judicial Council is staffed by only one attorney with no administrative support. There would also be significant cost increases for printing and distribution of information and research to council members. This project would also likely require consultation with experts in the field of alcohol abuse and treatment, and the appointment of additional ad hoc council members with expertise in areas of alcohol abuse and sentencing. At this preliminary stage and without a more detailed explanation of the goals and scope of the project, it is impossible to estimate these costs to any degree of accuracy. However, these are not the type of expenses generally incurred with any of the Council's current projects and therefore significantly increase Council costs.

Long-Range Fiscal Implications

The requirement to make the guidelines and any revisions available to judges and attorneys at least annually imposes the above fiscal implications on the Judicial Council indefinitely.