

Fiscal Estimate Narratives
DOC 9/9/2009

LRB Number 09-2950/1	Introduction Number AB-0346	Estimate Type Original
Description Penalties for driving a vehicle while under the influence of an intoxicant		

Assumptions Used in Arriving at Fiscal Estimate

Under current law, first offense operating a motor vehicle under the influence of an intoxicant or controlled substance (OWI Offense) is a civil violation punishable by a fine of not less than \$150 nor more than \$300. This bill makes first offense OWI convictions a crime punishable by imprisonment in a county jail for not less than 5 days nor more than 6 months. In addition, the person would be fined not less than \$350 nor more than \$1,100.

Data received from the Department of Transportation indicates that in calendar year 2007 there were 4,911 individuals convicted of a first offense OWI with a blood alcohol content (BAC) of .20 or more, and 5,610 individuals convicted of a first offense OWI with a BAC between .16 and .19. Data is not available to determine how many of these individuals had a restricted controlled substance in his or her blood. DOC is unable to predict the number of first offense OWI convictions that will occur or the exact length of incarceration that will be ordered under this proposed legislation. If it is assumed that 2007 statistics are reflective of future data, there would be from 24,555-1,914,822 additional days of incarceration in county jails from a first offense OWI conviction.

Counties will incur additional costs for housing these offenders. In order to relieve the bed space pressures resulting from the increased population, some counties may need to consider building additional jail beds. In addition, individuals convicted of OWI may have health care/treatment (e.g. AODA) needs that will result in increased costs to counties. The extent of the increased cost to counties from this legislation is dependent on an individual county's current bed space capacity and what their costs are to house additional inmates.

Long-Range Fiscal Implications