

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-2950/1	Introduction Number AB-0346	
Description Penalties for driving a vehicle while under the influence of an intoxicant		
Fiscal Effect		
State: <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		
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		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By DOT/ Richard Kleist (608) 266-1449	Authorized Signature Julie Johnson (608) 267-3703	Date 8/14/2009

Fiscal Estimate Narratives

DOT 8/14/2009

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

BILL SUMMARY

Currently, a person committing their first offense of operating while under the influence of an intoxicant, a controlled substance, or a combination of the two is a civil offense subject to a forfeiture upon conviction.

This bill would cause a person committing a first offense of operating with a blood alcohol concentration of 0.20 or more, or a blood alcohol concentration of 0.16 or more and any amount of a controlled substance in their blood to be charged with a criminal offense and fined and imprisoned upon conviction.

ASSUMPTIONS

The bill will criminalize a first offense of operating with a blood alcohol concentration of 0.20 or more, or a blood alcohol concentration of 0.16 or more and any amount of a controlled substance in their blood. If passed, the bill would make it very difficult for the officer to know at the time of the arrest whether to treat the arrest as a civil or criminal offense if the test used to determine intoxication is something other than breath and/or if it is necessary to test for the presence of a controlled substance. The proposal would change the penalties by making a forfeiture a fine, increase the monetary penalty to not less than \$350 nor more than \$1,100, and require imprisonment of not less than five days nor more than six months.

The bill proposes to change the maximum applicable forfeiture of not less than \$150 nor more than \$300 to a fine of not less than \$350 nor more than \$1,100. Currently, some offenders do not pay their forfeitures and fines. DOT assumes that some increased number of offenders will not pay the increased amounts of the fines levied. Offenders who are unable or unwilling to pay the increased fine will have their operating privileges suspended, in addition to the revocation for the OWI. Such an offender will not be eligible to reinstate his/her operating privilege until the OWI revocation period has run and the fine is paid in full.

CONCLUSION

More blood tests may be used for those drivers suspected to test at 0.16 or more because of the consequences relating to the presence of a controlled substance in addition to a blood alcohol level in that range. Blood tests are more costly to the arresting agency than a breath test and a blood test may also have additional officer wait time at the medical facility. Due to the increased consequences and possibility of imprisonment, more of these cases will most likely result in increased officer court time. Most of the costs mentioned are general costs of doing business in a law enforcement environment and are possible whether it is charged as a forfeiture or crime. The net fiscal impact for both state and local entities is indeterminate.

Long-Range Fiscal Implications

See above.