

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-2950/1</b>	<b>Introduction Number</b> <b>AB-0346</b>
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**Description**  
 Penalties for driving a vehicle while under the influence of an intoxicant

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</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>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Tom Herman (608) 266-0239	<b>Date</b> 7/24/2009
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## Fiscal Estimate Narratives

DA 7/24/2009

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

### Assumptions Used in Arriving at Fiscal Estimate

District Attorneys indicated that if this bill were to be enacted, their offices would face a severe strain due to a number of reasons associated with OWI cases:

- \* OWI cases are contested more often with trials than other allegations (in some cases to avoid a criminal record)
- \* criminal OWI motions and challenges pertaining to OWI/PAC charge
- \* "alcohol level" arguments over the PAC for the charge itself and the two different PAC levels contained within the charge
- \* increased motion hearings either in the form of suppression or collateral attacks on prior offenses
- \* additional post-trial and appellate responsibilities
- \* delays in obtaining testing results from the State Lab of Hygiene.

DAs projected a need for additional prosecutors at a rate of 13.8%. With 435 prosecutors, a need of 13.8% represents approximately 60 additional ADAs. The additional cost for the DA program would be approximately:

Annual salary = \$47,036

Annual fringe = \$18,433

TOTAL = \$65,469 x 60 ADAs = \$3,928,140.

DAs indicated that there would be a need for increased county support staff in DA offices and there would be an increase in the number of inmates in county jails.

### Long-Range Fiscal Implications

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