

Fiscal Estimate Narratives

DOT 5/11/2009

LRB Number	09-1372/1	Introduction Number	SB-102	Estimate Type	Original
Description Periods of revocation of driving privileges after committing certain offenses related to operating a vehicle while intoxicated					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

Current law requires the time period used to count the number of OWI-related offenses be measured from the date of the refusal to submit to a prohibited alcohol concentration test or the date of the OWI-related violation that resulted in revocations or convictions.

This proposal requires the time period specified for counting the number of refusal or OWI-related offenses be tolled or suspended to exclude any period of time the person is imprisoned. The proposal also requires the person whose refusal or OWI-related violation-counting period is tolled to notify DOT they have been released from prison so the correct period for counting prior refusals or offenses can be determined.

ASSUMPTIONS

- A court ordering a revocation of a persons operating privilege for a refusal to submit to a prohibited alcohol concentration test or a conviction for an OWI-related offense will notify DOT whenever the person is also ordered to be imprisoned and the duration for which the person is to be imprisoned. The language does not apply to those persons incarcerated or sentenced to county jail.
- Current law does not provide for sentencing a person to prison for a first through fourth OWI-related offense, however if the person is found guilty under s.940.09 (1) or s. 940.25, the person can be sentenced to prison.
- Current law requires counting the number of prior OWI-related within a 10-year period if the number of priors equal two. Again, in this case, the person cannot be sentenced to prison.
- Current law requires counting the number of prior OWI-related offenses within a persons lifetime if the number of prior offenses equals three or more or for any conviction under s. 940.09 (1) or s. 940.25.
- The tolling required by the proposal would apply only to prison time ordered (as opposed to jail time) and served resulting from refusals and/or OWI-related offenses.
- The person whose refusal or OWI-related violation-counting period is tolled is required to notify DOT they have been released from prison.
- Current law authorizes DOT to make any authorized order regarding revocations for OWI or refusal to take a test for intoxication if the court fails to enter the order. DOT assumes it will not verify whether courts are correctly counting prior convictions subject to tolling for incarceration, and will not make computer changes or dedicate staff to verifying orders.

CONCLUSION

The proposal as written would result in little impact on DOT if DOT took no steps to ensure the correct revocation periods were ordered. The language requires no change in the way DOT currently does business as those persons being tolled would already be subject to counting prior refusals and OWI-related offenses over their lifetime, so the tolling would have no affect. Significant computer programming changes to the Wisconsin Circuit Court Access (CCAP) system would be needed to add an area for the court to report ordered imprisonment upon the person's conviction.

Long-Range Fiscal Implications

See above.

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1372/1		Introduction Number SB-102	
Description Periods of revocation of driving privileges after committing certain offenses related to operating a vehicle while intoxicated			
i. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect): Significant one-time costs for updating Wisconsin Circuit Court Access (CCAP) systems to allow courts to report whenever and for how long is person is sentenced to prison for an OWI-related offense.			
ii. Annualized Costs:		Annualized Fiscal impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$		\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$		\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues	\$		\$
NET ANNUALIZED FISCAL IMPACT			
	State		Local
NET CHANGE IN COSTS	\$Indeterminate		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By			
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		Date	
		5/11/2009	