

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number **11-2370/1** Introduction Number **SB-154**

Description
 Penalties for operating-while-intoxicated offenses and providing a penalty.

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input checked="" type="checkbox"/> Cities
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

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	Authorized Signature	Date
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Fiscal Estimate Narratives

DA 7/29/2011

LRB Number	11-2370/1	Introduction Number	SB-154	Estimate Type	Original
Description Penalties for operating-while-intoxicated offenses and providing a penalty.					

Assumptions Used in Arriving at Fiscal Estimate

The primary effect of this bill is to convert 3rd and 4th offense OWI violations from criminal traffic misdemeanors to felonies. Should this bill be enacted, prosecutors anticipate a significant fiscal impact. In 2009, there were 2,477 3rd offense OWI-related convictions and 1,129 4th offense OWI-related convictions. For purposes of this fiscal estimate, however, the number of 4th offense OWI cases to be considered is reduced by 50%, which reflects an estimate of the number of cases that occurred within five years of a prior offense and under current law are considered a felony. The total number of 3rd and 4th offense convictions that are considered for this estimate are 3,042 cases (2,477 + 565).

Of the 3,042 convictions cited above, undoubtedly there were some cases that did not result in convictions. Some prosecutors believe it is reasonable to estimate that there would be 15% more cases for 3rd and 4th offense OWI that did not result in conviction. This would equate to approximately 3,498 3rd and 4th offense OWIs per year.

The District Attorney Workload Analysis, recently adjusted based on recommendations of the Wisconsin District Attorneys Association, indicates that each general felony takes approximately 8.49 hours to prosecute; whereas, each criminal traffic misdemeanor prosecution averages 2.91 hours. The difference to prosecute a felony versus a criminal traffic misdemeanor case is 5.58 hours; consequently, this bill would require approximately 5.58 additional hours to prosecute each 3rd and 4th offense OWI case.

5.58 hours times 3,498 cases equates to 19,519 additional hours of time to prosecute the cases. The DA Workload Analysis and its weighted caseload formula estimate that each prosecutor has 1,162 hours per year in which to deal with cases. 19,519 caseload hours divided by 1,162 hours available to prosecutors indicates a need for 16.8 prosecutors.

The annual salary for a new ADA is \$49,429.
The annual fringe is approximately \$20,785.
Total salary and fringe of \$70,214 x 16.8 ADAs = \$1,179,595.

Long-Range Fiscal Implications

Prosecutors see a long-range fiscal impact should this bill be enacted. Please see calculations above.

Fiscal Estimate Worksheet - 2011 Session

Detailed Estimate of Annual Fiscal Effect

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Description Penalties for operating-while-intoxicated offenses and providing a penalty.			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$1,179,595	\$
	(FTE Position Changes)	(16.8 FTE)	
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$1,179,595	\$
B. State Costs by Source of Funds			
	GPR	1,179,595	
	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, etc.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$1,179,595	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date
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