

### Fiscal Estimate - 2013 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 13-0622/1		<b>Introduction Number</b> SB-058		
<b>Description</b> Penalties for driving a vehicle while under the influence of an intoxicant and providing a penalty				
<b>Fiscal Effect</b>				
<b>State:</b>				
<input type="checkbox"/> No State Fiscal Effect				
<input type="checkbox"/> Indeterminate				
<input checked="" type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues		
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues		
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<input type="checkbox"/> Decrease Costs				
<b>Local:</b>				
<input type="checkbox"/> No Local Government Costs				
<input checked="" type="checkbox"/> Indeterminate				
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue		
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		
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		
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		
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>		
<input checked="" 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>		<b>Authorized Signature</b>		<b>Date</b>
DA/ Phil Werner (608) 267-2700		James Langdon (608) 267-1001		3/22/2013

## Fiscal Estimate Narratives

DA 3/22/2013

LRB Number	13-0622/1	Introduction Number	SB-058	Estimate Type	Original
<b>Description</b> Penalties for driving a vehicle while under the influence of an intoxicant and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Currently, a first offense OWI with an alcohol concentration level of 0.08 is a civil violation. Under this bill, a first offense OWI with an alcohol concentration of 0.15 or more is a criminal misdemeanor. The bill also increases the penalty for a second offense OWI.

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.

On average across the State, DAs projected a need for additional prosecutors at a rate of 13.8%. With 426 prosecutors, a need of 13.8% represents approximately 58.8 additional ADAs. The additional cost for the DA program would be approximately:

Annual salary = \$49,429  
Annual fringe = \$18,936  
TOTAL = \$68,365 x 58.8 ADAs = \$4,019,862.

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

A long-range fiscal impact is provided above.

## Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> 13-0622/1		<b>Introduction Number</b> SB-058	
<b>Description</b> Penalties for driving a vehicle while under the influence of an intoxicant and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$4,019,862		\$
(FTE Position Changes)	(58.8 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$4,019,862</b>		<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR	4,019,862		
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)</b>			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>		<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	<u>State</u>		<u>Local</u>
NET CHANGE IN COSTS	\$4,019,862		\$
NET CHANGE IN REVENUE	\$		\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DA/ Phil Werner (608) 267-2700		James Langdon (608) 267-1001	3/22/2013