

Fiscal Estimate Narratives

DOT 3/26/2013

LRB Number 13-0729/1	Introduction Number AB-0069	Estimate Type Original
Description Requiring a mandatory minimum sentence for causing bodily harm to another while driving while intoxicated and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

Under this bill, a person who causes injury to another person while operating a vehicle while intoxicated must serve at least six months in jail. If the injured person suffers substantial bodily harm, the offender is guilty of a Class H felony and must serve at least two years in prison. If the injured person suffers great bodily harm, the offender is guilty of a Class F felony and must serve a minimum of three years in prison.

Under this bill, a person with a prior OWI is guilty of a Class H felony and must serve at least one year in prison if there was injury causing bodily harm and a minimum of three years in prison if the OWI related injury causes substantial bodily harm. If the injured party was a passenger in the offender's car, a court may order the minimum sentence be reduced with the requirement that the court put its findings in writing.

This bill eliminates the doubling provision for OWI-related violations causing injury and eliminates the opportunity for a reduced sentence in exchange for completion of probation and drug or alcohol treatment.

ASSUMPTIONS

This bill would eliminate the doubling provision for OWI-related violations causing injury and eliminates the opportunity for a reduced sentence in exchange for completion of probation and drug or alcohol treatment while enhancing the jail/prison sentence.

The proposal would have no fiscal impact on the Department of Transportation. The fiscal impact would occur within the courts and county jails.

CONCLUSIONS

This bill has no impact on the Department of Transportation.

Long-Range Fiscal Implications

See above.