

Fiscal Estimate Narratives

DA 3/22/2013

LRB Number	13-1568/1	Introduction Number	SB-056	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

Under this bill, if a person causes an OWI-related injury and the injured person suffers bodily harm, the offender must serve at least six months in jail. If the person suffers substantial bodily harm, the offender must serve at least two years in prison. If the person suffers great bodily harm, the offender must serve at least three years in prison.

An offender with a prior OWI-related offense must serve a minimum of one year in prison if the injury caused great bodily harm, and a minimum of three years in prison if the injury caused substantial bodily harm.

Prosecutors believe there will be an increase in litigation resulting from the elimination of discretion in both the charging and sentencing decisions. Many defendants will not want to face a minimum 6-month jail sentence if a person suffers bodily harm, particularly if the minimum sentence is half of the maximum sentence. They may believe they have little to lose by going to trial, especially if they have no prior OWI convictions and if they can create a doubt as to the injury. Consequently, they may be likely to go to a jury trial.

Similarly, if a person suffers bodily harm and the defendant had at least one prior OWI, the charge would be a felony requiring a minimum 1-year prison confinement. Defendants would be more likely to go to trial since the maximum confinement for a non-injury OWI 2nd offense is only 6 months. This would involve preliminary hearings, as well as defendants facing the possibility of losing their rights to possess firearms. All hunters would contest the felony charge.

Data concerning the number of injuries suffered in OWI incidents is not available, so the potential impact on District Attorney (DA) offices was viewed from the perspective of one DA office, and extrapolated to the entire State. The Waukesha DA's office handles approximately 28 OWI simple injury cases each year. Assuming Waukesha's percentage of injury cases is similar to their percentage of all Wisconsin OWI cases, Waukesha has 6.2% of the OWI simple injury cases. If 28 cases are approximately 6.2% of the cases, then there would be approximately 450 cases Statewide. The Waukesha DA estimates that the increase in work resulting from having to try more cases will require an additional half-time Assistant DA in Waukesha County. Based on this estimate, and by extrapolating to the entire Statewide caseload, it would take approximately 8 new ADAs to handle the increased workload. The number of OWI cases cited above reflect only convictions, but that number has been used in this estimate.

Long-Range Fiscal Implications

The long-range fiscal impact of enactment of this bill is presented above.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

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Description Requiring a mandatory minimum sentence for causing bodily harm to another while driving while intoxicated 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	\$546,920		\$
(FTE Position Changes)	(8.0 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$546,920		\$
B. State Costs by Source of Funds			
GPR	546,920		
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	\$546,920		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
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