

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-3642/2	Introduction Number AB-0536	
Description Penalties for, and elements of, certain operating-while-intoxicated offenses and providing a criminal penalty		
Fiscal Effect State: <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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <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		
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 DA/ Phil Werner (608) 267-2700	Authorized Signature Kevin Vesperman (608) 267-1001	Date 11/27/2015

Fiscal Estimate Narratives

DA 11/27/2015

LRB Number	15-3642/2	Introduction Number	AB-0536	Estimate Type	Original
Description Penalties for, and elements of, certain operating-while-intoxicated offenses and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

The primary effect of this bill is to convert all 4th offense OWI violations from criminal traffic misdemeanors to felonies. Should this bill be enacted, prosecutors anticipate a fiscal impact. In 2011, there were 1,171 4th offense OWI-related convictions. For purposes of this 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 4th offense convictions that are considered for this estimate is 585 (i.e. - 1171 divided by 2).

Of the 585 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 approximately 15% more cases for 4th offense OWI that did not result in convictions. This would equate to approximately 673 4th offense OWIs per year.

The District Attorney Workload Analysis 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 4th offense OWI case.

5.58 hours times 673 cases equates to 3,755 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. 3,755 caseload hours divided by 1,162 hours available to prosecutors indicates a need for 3.23 prosecutors.

Annual salary = \$49,254
Annual fringe = \$19,145
TOTAL - \$68,399 x 3.23 ADAs = \$220,928.

Long-Range Fiscal Implications

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

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

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Description Penalties for, and elements of, certain operating-while-intoxicated offenses and providing a criminal 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	\$220,928
(FTE Position Changes)	(3.2 FTE)
State Operations - Other Costs	
Local Assistance	
Aids to Individuals or Organizations	
TOTAL State Costs by Category	\$220,928
B. State Costs by Source of Funds	
GPR	220,928
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	\$220,928
NET CHANGE IN REVENUE	\$
Agency/Prepared By	
Authorized Signature	
Date	
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	11/27/2015