

Fiscal Estimate Narratives

DOT 3/9/2015

LRB Number	15-1425/1	Introduction Number	SB-029	Estimate Type	Original
Description Obtaining a search warrant for certain civil violations					

Assumptions Used in Arriving at Fiscal Estimate

Current law allows a court, upon finding probable cause, to authorize a search warrant allowing a law enforcement officer to search and seize anything that is the fruit of, or has been used in, the commission of a crime or that may constitute evidence of a crime. The bill expands this existing authority to also allow a court, upon finding probable cause, to authorize a search warrant allowing a law enforcement officer to search and seize anything that is the fruit of, or has been used in, the commission of a civil violation of the prohibitions against driving while having a prohibited alcohol concentration or while under the influence of an intoxicant and/or a controlled substance. In Wisconsin, first-time Operating While Intoxicated (OWI) offenses are treated as civil violations.

In accordance with the U.S. Supreme Court holding in *Missouri v. McNeely* (April 17, 2013), a search warrant is required for OWI-related blood draws. State law, however, currently does not allow search warrants to be authorized for civil violations, such as first-offense OWI. This bill would specifically allow a court to authorize a search warrant for blood draws of first-time OWI offenders.

It is anticipated that this bill will result in a higher number of search warrants being authorized for OWI-related offenses. However, the number of additional search warrants that would potentially be authorized by the courts and executed by law enforcement, such as the Wisconsin State Patrol, is unknown. As a result, the exact impact of this bill on DOT cannot be determined at this time.

Long-Range Fiscal Implications

Indeterminate. Any potential impacts resulting from the bill, however, are expected to be minimal.