

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-5499/1	Introduction Number SB-866
Description Alternative sentencing for certain drunken driving offenses and providing penalties	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 30%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around; font-size: small;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div>	
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 30%;"> 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 </div> </div>	
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	
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Date 3/16/2018	

Fiscal Estimate Narratives

DOC 3/16/2018

LRB Number	17-5499/1	Introduction Number	SB-866	Estimate Type	Original
Description Alternative sentencing for certain drunken driving offenses and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill provides sentencing alternatives for persons who commit certain second or third offenses related to operating a motor vehicle while intoxicated (OWI). Under current law, with certain exceptions, a person who commits an OWI-related offense is subject to a fine and a term of imprisonment. For a second OWI-related offense, the term of imprisonment is not less than five days nor more than six months, and for a third offense the term of imprisonment is not less than 45 days nor more than one year. If the person commits an OWI-related offense while operating a commercial vehicle, for a second offense the term of imprisonment is not less than five days nor more than six months, and for a third or subsequent offense, the term of imprisonment is not less than 45 days nor more than one year.

Under the bill, if a court places on probation a person who commits his or her second or third OWI-related offense and requires the person to take a therapeutically indicated dose of the drug naltrexone or follow a nonpharmacological treatment plan, the person is subject to the same fine he or she would be subject to under current law, but his or her period of imprisonment is reduced if he or she successfully completes probation. For a person who commits a second OWI-related offense or a second offense related to operating a commercial vehicle with a prohibited alcohol concentration, the period of imprisonment is five to seven days. For a person who commits a third OWI-related offense or a third offense related to operating a commercial vehicle with a prohibited alcohol concentration, the period of imprisonment is not less than 14 days. Under the bill, a person may not be sentenced under this sentencing alternative or under another sentencing alternative for OWI-related offenses more than once in his or her lifetime.

No data exists to determine how many individuals would be sentenced under alternatives created by the bill. Incarceration sentences for less than one year are typically served in county jails. It is possible that individuals sentenced under the bill may reduce costs to borne by the counties, if sentences are reduced after successfully serving probation.

Department costs could change if the bill results in a significant population change of individuals under community supervision or incarcerated in DOC facilities. The average FY17 annual cost for an inmate in a DOC institution is approximately \$32,700. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$6,300 based on FY17 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person. The average FY17 annual cost to supervise one offender is approximately \$3,100.

The Department has no data to determine the fiscal impact of the bill on local governments.

Long-Range Fiscal Implications