

Fiscal Estimate Narratives

CTS 5/1/2019

LRB Number	19-1009/1	Introduction Number	AB-0015	Estimate Type	Original
Description requiring persons accused of violating traffic laws and ordinances related to driving while intoxicated to appear in person in court					

Assumptions Used in Arriving at Fiscal Estimate

This bill requires persons accused of civil violations of operating while intoxicated (OWI) to appear, in person, in court regardless of whether they contest or acquiesce to the allegations made. Currently, persons charged with first offense OWI are not required to appear unless they plan to contest the charges. This is true for citations handled by the circuit courts and by municipal courts. The bill also creates a \$300 surcharge to be imposed if a person fails to appear in court.

For purposes of estimating the number of cases impacted by this bill, we have used Department of Transportation (DOT) data that records the number of OWI-related convictions by repeat offender status. The DOT data includes convictions from both circuit courts and municipal courts. This is the most complete data available for municipal court actions. The DOT data slightly underreports the total number of cases handled by the courts because it does not include cases that did not result in conviction. For purposes of this estimate, however, the DOT provides useful and reliable data. The DOT data for calendar year 2017, the most recent year available, shows 14,313 first offense OWI convictions.

First offense OWI is currently a civil violation, and most of the cases are handled by the municipal courts. Not all areas of the state are served by municipal courts, however, so some first offense OWI cases are already being handled by the circuit courts. For the calendar year 2017, there were 5,237 first offense OWI cases disposed of by the circuit courts, which is 36.6% of the total number of convictions. For purposes of this estimate, we have assumed this percentage breakdown continues.

To estimate the workload for the circuit courts, we have relied on the Wisconsin Judicial Workload Assessment, submitted to the Director of State Courts by the National Center for State Courts in August 2016. For this study, all Wisconsin circuit court judges and court commissioners tracked all of their working time by case type category and case-related or non-case-related events for a four-week period. Among the case type categories were: (1) contested traffic and ordinance cases; and (2) uncontested cases, which included uncontested traffic, small claims and ordinance cases.

The data compiled in the Wisconsin Judicial Workload Assessment indicates that uncontested cases took 0.75 minutes of judicial time. There is no differentiation in the data for cases in which defendants appeared in court versus those in which no appearance was made.

There is comparative data available from the previous workload assessment that was done in 2006. In that time study, judges and court commissioners tracked the time involved in uncontested cases in which an appearance occurred. Those cases took 4.6 minutes of judicial time. Comparing the 2006 data with the more current data means a current uncontested case would take about six times longer if there was a court appearance involved.

Both circuit court and municipal courts would experience workload increases under this bill draft. The unknown variable at this time is the number or percentage of current cases in which the defendant opts to pay the forfeiture associated with the violation and avoid an appearance in court. Without knowing the number or percentage of cases that would be impacted, it is impossible to calculate a more exact increase in judicial time that would result from passage of this bill draft.

Also under this bill, a person who fails to appear in court would be subject to a \$300 surcharge. An accurate estimate of the amount of surcharge revenue that will be collected is impossible with the data available. The bill also does not designate to whom any surcharge revenue would be distributed.

Long-Range Fiscal Implications