

### Fiscal Estimate - 2019 Session

Original     
  Updated     
  Corrected     
  Supplemental

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

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input 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 type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Government Units Affected</b> <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
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DA/ Kasey Deiss (608) 267-2700	<b>Authorized Signature</b> James Langdon (608) 264-6109	<b>Date</b> 3/11/2019
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## Fiscal Estimate Narratives

DA 3/11/2019

LRB Number	19-1009/1	Introduction Number	AB-0015	Estimate Type	Original
<b>Description</b> 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 a person who receives a citation for a civil traffic violation related to operating while intoxicated to appear in court to respond to the charge. Under current law, generally, a first violation of operating a vehicle while under the influence of an intoxicant, with a detectable amount of a restricted controlled substance in one's blood, or with a prohibited alcohol concentration (OWI-related violation), is a traffic violation punishable by a civil forfeiture. Current law allows local units of government to enact ordinances in conformity with the state traffic law that punishes most first OWI-related offenses as a civil violation.

Under current law, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity with the OWI-related traffic violation may opt to appear in court to plead not guilty to the violation or may opt to pay the forfeiture associated with the violation and avoid an appearance in court. Generally, a person who pays the forfeiture associated with the violation is considered to have pled guilty or no contest to the charge.

Under this bill, a person who receives a citation for an OWI-related civil traffic violation or who receives a citation for an ordinance in conformity therewith is required to appear in court to plead guilty, no contest, or not guilty to the charge. If the person fails to appear in court, the court is required to enter a default judgment against the person and impose the applicable penalties and a \$300 surcharge for the person's failure to appear.

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The primary impact cited by responsive District Attorneys on requiring physical appearance by individuals accused of 1st offense OWI would be the effects on the court calendar and space constraints in the current statewide justice facilities. The scale of the impact is unknown. There also exists the possibility that requiring physical presence of the defendant to cause them be more likely to retain an attorney and thus be more likely to litigate or contest the charge.

### Long-Range Fiscal Implications

Data with which to make a long range fiscal projection as to the effect of this legislative proposal is unavailable.