

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1200/1	Introduction Number SB-006
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Description
 committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a penalty

Fiscal Effect

State:

- No State Fiscal Effect
- Indeterminate
 - Increase Existing Appropriations
 - Decrease Existing Appropriations
 - Create New Appropriations
 - Increase Existing Revenues
 - Decrease Existing Revenues
 - Increase Costs - May be possible to absorb within agency's budget
 - Yes
 - No
 - Decrease Costs

Local:

- No Local Government Costs
 - Indeterminate
 - 1. Increase Costs
 - Permissive Mandatory
 - 2. Decrease Costs
 - Permissive Mandatory
 - 3. Increase Revenue
 - Permissive Mandatory
 - 4. Decrease Revenue
 - Permissive Mandatory
- 5. Types of Local Government Units Affected**
- Towns Village Cities
 - Counties Others
 - School Districts WTCS Districts

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" 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	Authorized Signature	Date
DOJ/ Michelle Gauger (608) 267-6714	Michelle Gauger (608) 267-6714	4/2/2019

Fiscal Estimate Narratives
DOJ 4/2/2019

LRB Number 19-1200/1	Introduction Number SB-006	Estimate Type Original
Description committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a person convicted of a fifth or sixth offense for operating a motor vehicle while intoxicated is guilty of a Class G felony and must be fined at least \$600 or up to \$25,000, and imprisoned for at least six months or up to ten years.

This bill increases the minimum imprisonment period from six to 18 months.

The Criminal Appeals Unit within the Department of Justice represents the state in all felony appeals before the Wisconsin Court of Appeals, the Wisconsin Supreme Court and the United States Supreme Court. Any change to criminal penalties may increase the number of felony appeals. Specifically, increases in mandatory minimums decrease prosecutors' ability to resolve cases with plea agreements and reduces the sentencing discretion of judges, resulting in more jury trials and a likely increase in the number of felony appeals cases handled by the Department of Justice.

The magnitude of the criminal appeals workload increase is unknown, however, it is likely to be significant due to the increase in the minimum incarceration period from six months in jail to eighteen months in a state prison.

The Department of Corrections estimates that an additional 343 individuals would be sentenced to prison annually, instead of probation and jail. Although not all of these individuals would appeal their convictions, the increase in the appellate workload would exceed what can be absorbed by existing personnel and an additional Assistant Attorney General position would be required to handle the additional cases.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

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Description committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a 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	\$145,000		\$
(FTE Position Changes)	(1.0 FTE)		
State Operations - Other Costs	5,000		
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$150,000		\$
B. State Costs by Source of Funds			
GPR	150,000		
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	\$150,000		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
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