

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date September 25, 2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter Jus 19	
4. Subject Establishing standards, timelines and procedures for the frequent sobriety pilot program.	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.455 (2)(gu)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Would Implementation and Compliance Costs Be Greater Than \$20 million? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10. Policy Problem Addressed by the Rule Implementation of 2015 WI Act 55. 2015 Act 55 established Wis Stat 165.957 which created a pilot program for frequent testing for use of alcohol or a controlled substance. Wis Stat 168.957(3) provides the department with the ability to establish rule for the following: <ul style="list-style-type: none">• A standard for frequent testing for the use of alcohol or a controlled substance• A standard for setting fees that counties may collect. The standard may include a component that allows the department of justice to recoup its costs.• A timeline and procedure for counties to submit to the department of justice the following information<ul style="list-style-type: none">o The number of participants in the program.o The costs associated with the program.o The failure or dropout rate of participants.o Other information requested by the department of justice. The Frequent Sobriety Testing Pilot Program was created for the purpose of reducing repeat operating while intoxicated (OWI) offenses and the recidivism rate for alcohol and drug-related crimes. Program participants are individuals with two or more OWI or related convictions who have been ordered by a judge or by the Department of Corrections to refrain from using alcohol or a controlled substance as a condition of probation, participation in a deferred prosecution agreement or release to parole or extended supervision. An individual may also voluntarily participate in the program by agreeing to refrain from using alcohol or a controlled substance while on probation, participating in a deferred prosecution agreement or released to parole or extended supervision.	

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11. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Green Lake, Manitowoc, Oneida counties and additional counties to be determined.

12. Identify the local governmental units that participated in the development of this EIA.

Green Lake, Manitowoc, Oneida counties and additional counties to be determined.

13. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

Fiscal and Economic costs associated with implementing the program are not driven by the Administrative Rule. Rather, administrative costs are driven by the statutory requirements established in Act 55. DOJ does not believe the rule imposes additional costs beyond those necessary to fulfill the requirements of Act 55.

14. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The proposed emergency rules are predicated on legal analysis by DOJ staff of the language and requirements of Act 55. Based on that analysis, DOJ has determined that the proposed emergency rules are necessary for DOJ to continue to carry out its responsibilities and the legislative directives set forth in Act 55.

15. Long Range Implications of Implementing the Rule

The proposed rules do not impose any financial or compliance burdens that will have a significant effect on small businesses or a significant economic impact.

16. Compare With Approaches Being Used by Federal Government

No comparable information available.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois, Michigan and Minnesota do not have frequent sobriety programs.

Iowa's Senate signed a 24/7 sobriety program into law in 2017.

Wisconsin's program is modeled after South Dakota and Montana, which are showing optimistic signs of reducing OWI redidivism arrests.

18. Contact Name

Maura Whelan, Assistant Attorney General

19. Contact Phone Number

(608) 266-3859

This document can be made available in alternate formats to individuals with disabilities upon request.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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