

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-1581/1	Introduction Number AB-0353
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Description
 Requiring a mandatory minimum sentence for causing bodily harm to another while driving while intoxicated and providing a penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

Local:

<input type="checkbox"/> No Local Government Costs	3. <input type="checkbox"/> Increase Revenue	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
<input checked="" type="checkbox"/> Indeterminate	4. <input type="checkbox"/> Decrease Revenue	
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	

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	

Agency/Prepared By DA/ Phil Werner (608) 267-2700	Authorized Signature Kevin Vesperman (608) 267-1001	Date 9/29/2015
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Fiscal Estimate Narratives

DA 9/29/2015

LRB Number	15-1581/1	Introduction Number	AB-0353	Estimate Type	Original
Description Requiring a mandatory minimum sentence for causing bodily harm to another while driving while intoxicated and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, if a person causes an OWI-related injury and the injured person suffers bodily harm, the offender must serve at least 30 days in jail. If the person suffers substantial bodily harm, the offender must serve at least two years in prison. If the person suffers great bodily harm, the offender must serve at least three years in prison.

An offender with a prior OWI-related offense must serve a minimum of one year in prison if the injury caused bodily harm, and a minimum of three years in prison if the injury caused substantial bodily harm.

Prosecutors believe there will be an increase in litigation resulting from the elimination of discretion in both the charging and sentencing decisions. Many defendants will not want to face a minimum 30-day jail sentence if a person suffers bodily harm. They may believe they have little to lose by going to trial, especially if they have no prior OWI convictions and if they can create a doubt as to the injury. Consequently, they may be likely to go to a jury trial.

Similarly, if a person suffers bodily harm and the defendant had at least one prior OWI, the charge would be a felony requiring a minimum 1-year prison confinement. Defendants would be more likely to go to trial since the maximum confinement for a non-injury OWI 2nd offense is only 6 months. This would involve preliminary hearings, as well as defendants facing the possibility of losing their rights to possess firearms. All hunters would contest the felony charge.

Data concerning the number of injuries suffered in OWI incidents is not available, so the potential impact on District Attorney (DA) offices was viewed from the perspective of one DA office, and extrapolated to the entire State. The Waukesha DA's office handles approximately 28 OWI simple injury cases each year. Assuming Waukesha's percentage of injury cases is similar to their percentage of all Wisconsin OWI cases, Waukesha has 6.2% of the OWI simple injury cases. If 28 cases are approximately 6.2% of the cases, then there would be approximately 450 cases Statewide. The Waukesha DA's office estimates that the increase in work resulting from having to try more cases will require an additional half-time Assistant DA in Waukesha County. Based on this estimate, and by extrapolating to the entire Statewide caseload, it would take approximately 8 new ADAs to handle the increased workload. The number of OWI cases cited above reflect only convictions, but that number has been used in this estimate.

Long-Range Fiscal Implications

The long-range fiscal impact of enactment of this bill is presented above.

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

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Description Requiring a mandatory minimum sentence for causing bodily harm to another while driving 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	\$561,336	\$
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$561,336	\$
B. State Costs by Source of Funds			
	GPR	561,336	
	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	\$561,336	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		Kevin Vesperman (608) 267-1001	9/29/2015