

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-1582/2	Introduction Number AB-0447	
Description Penalties for operating-while-intoxicated offenses and providing a criminal penalty		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local:		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 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		
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	Authorized Signature	Date
DA/ Phil Werner (608) 267-2700	Kevin Vesperman (608) 267-1001	11/9/2015

Fiscal Estimate Narratives

DA 11/9/2015

LRB Number	15-1582/2	Introduction Number	AB-0447	Estimate Type	Original
Description Penalties for operating-while-intoxicated offenses and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

The primary effect of this bill is to convert 3rd and 4th offense OWI violations from criminal traffic misdemeanors to felonies. Should this bill be enacted, prosecutors anticipate a significant fiscal impact. In 2011, there were 2,733 3rd offense OWI-related convictions and 1,171 4th offense OWI-related convictions. For purposes of this fiscal estimate, however, the number of 4th offense OWI cases to be considered is reduced by 50%, which reflects an estimate of the number of cases that occurred within five years of a prior offense and under current law are considered a felony. The total number of 3rd and 4th offense convictions that are considered for this estimate are 3,318 cases (2,733 + 585).

Of the 3,318 convictions cited above, undoubtedly there were some cases that did not result in convictions. Some prosecutors believe it is reasonable to estimate that there would be 15% more cases for 3rd and 4th offense OWI that did not result in conviction. This would equate to approximately 3,816 3rd and 4th offense OWIs per year.

The District Attorney Workload Analysis indicates that each general felony takes approximately 8.49 hours to prosecute; whereas, each criminal traffic misdemeanor prosecution averages 2.91 hours. The difference to prosecute a felony versus a criminal traffic misdemeanor case is 5.58 hours; consequently, this bill would require approximately 5.58 additional hours to prosecute each 3rd and 4th offense OWI case.

5.58 hours times 3,816 cases equates to 21,293 additional hours of time to prosecute the cases. The DA Workload Analysis and its weighted caseload formula estimate that each prosecutor has 1,162 hours per year in which to deal with cases. 21,293 caseload hours divided by 1,162 hours available to prosecutors indicates a need for 18.3 prosecutors.

Annual salary = \$49,254
Annual fringe = \$19,145
TOTAL = \$68,399 x 18.3 ADAs = \$1,251,702.

Long-Range Fiscal Implications

Prosecutors see a long-range impact should this bill be enacted. Please see calculations above.

Fiscal Estimate Worksheet - 2015 Session

Detailed Estimate of Annual Fiscal Effect

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LRB Number 15-1582/2	Introduction Number AB-0447	
Description Penalties for operating-while-intoxicated offenses and providing a criminal 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	\$1,251,702	\$
(FTE Position Changes)	(18.3 FTE)	
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
TOTAL State Costs by Category	\$1,251,702	\$
B. State Costs by Source of Funds		
GPR	1,251,702	
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	\$1,251,702	\$
NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By	Authorized Signature	Date
DA/ Phil Werner (608) 267-2700	Kevin Vesperman (608) 267-1001	11/9/2015