

### Fiscal Estimate - 2005 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 05-3622/2		<b>Introduction Number</b> SB-455	
<b>Description</b> Releasing persons arrested for certain offenses related to operating a vehicle while intoxicated			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input checked="" 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 checked="" type="checkbox"/> Towns		<input checked="" type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<input checked="" type="checkbox"/> Cities			
<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 checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	
DOT/ Timothy McClain (608) 267-5136		Julie Johnson (608) 267-3703	
		<b>Date</b>	
		12/16/2005	

## Fiscal Estimate Narratives

DOT 12/16/2005

LRB Number	05-3622/2	Introduction Number	SB-455	Estimate Type	Original
<b>Description</b> Releasing persons arrested for certain offenses related to operating a vehicle while intoxicated					

### Assumptions Used in Arriving at Fiscal Estimate

#### SCOPE OF PROPOSED BILL AND CURRENT LAW/POLICY

SB-455 would require an Operating While Intoxicated (OWI) offender to be held in police custody for 12 hours after the time of arrest unless the person's alcohol concentration is less than 0.04. However, the person may be released to a responsible adult (e.g., spouse, attorney, relative) at any time AND WHO ACCEPTS LEGAL RESPONSIBILITY for the actions of the arrested person for 12 hours after the arrest. Under current law, an OWI offender may not be released from police custody until 12 hours have elapsed unless the person's alcohol concentration is less than 0.04 except that a person may be released to a responsible adult at any time after the arrest.

In addition, SB-455 would require all OWI offenders to have their vehicles seized or immobilized for 12 hours unless the vehicle is the only vehicle which is either owned or leased by any member of the arrested person's household. In these cases, the vehicle may be released to the household member by the law enforcement agency. Currently, about 90% of the vehicles owned by offenders are not seized and stored according to an informal telephone poll of law enforcement agencies in Wisconsin (including State Patrol). Typically, these vehicles are:

- (1) left at the location of the violation if it can be legally parked,
- (2) towed to a legal, parking area (such as a street or parking lot), or
- (3) the vehicle is released to a responsible household member such as a household member.

#### INCREASED COSTS TO IMPOUND VEHICLE

According to the Uniform Crime Reporting System (Office of Justice Assistance), there were 42,159 OWI arrests reported in 2004. The number of OWI offenders that would be required to have their vehicles impounded cannot be accurately projected because it is not known how frequently a household member would exert their right, under the proposed law, to claim a vehicle if it is the sole vehicle in the household. However, the costs would likely be significant. For example, if 50% of the 42,159 offenders would be required to have their vehicles seized and impounded for example, the added statewide cost for all law enforcement agencies to store these vehicles for 12 hours would be up to \$1,053,975 (up to \$50 per day) depending upon the actual storage cost charged by each agency or storage company.

Also, in certain situations where the vehicle is old or has little value, the offender will typically not claim the vehicle and may choose to abandon it to the law enforcement agency. In these situations, the law enforcement agency will incur added costs such as storage costs and costs to dispose of the vehicle. Note that costs recovered by the sale of a seized vehicle rarely cover the costs to the law enforcement agency to handle the seizure.

#### INCREASED COSTS FOR TOWING VEHICLE

Towing charges can vary between \$15 to \$100 per vehicle depending upon the contract that each law enforcement agency has with a towing company. Because the bill would now require that all vehicles be towed (instead of current practice of leaving some vehicles at the location of the violation), new towing costs would be incurred by the law enforcement agency if the fee could not be collected from the offender. The actual number of vehicles which previously would have been left at the location of the violation (and now would be required to be towed) is not possible to predict.

#### INCREASED COSTS FOR IMMOBILIZING VEHICLE

If the agency chose to immobilize the vehicle, instead of seizing and storing the vehicle, there would be additional costs to purchase and/or replace immobilization equipment (e.g., vehicle boots, chains, steering wheel clubs, etc). Note that a vehicle boot, often used in immobilization, is typically priced at approximately \$130 per unit. The exact number of immobilization devices which would be needed to implement SB-455 would be at the discretion of the law enforcement agency and is therefore, unknown. Typical problems for using immobilization include finding a suitable and legal location to immobilize the vehicle, as well as vehicle abandonment by the owner requiring that the vehicle be legally disposed.

### **Long-Range Fiscal Implications**

Unknown.

## Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

Original
  Updated
  Corrected
  Supplemental

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<b>Description</b> Releasing persons arrested for certain offenses related to operating a vehicle while intoxicated			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
	State Operations - Salaries and Fringes	\$	
	(FTE Position Changes)		
	State Operations - Other Costs		
	Local Assistance		
	Aids to Individuals or Organizations		
	<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
	GPR		
	FED		
	PRO/PRS		
	SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
		<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS		\$Unknown	\$Unknown
NET CHANGE IN REVENUE		\$None	\$None
<b>Agency/Prepared By</b>			
DOT/ Timothy McClain (608) 267-5136		<b>Authorized Signature</b>	
		Julie Johnson (608) 267-3703	
		<b>Date</b>	
		12/16/2005	