## Fiscal Estimate - 2007 Session

$\boxtimes$	Original		Updated		Corrected		Supple	mental	
LRB	Number	07-1791/1		Intro	duction Num	ber A	B-056	5	
<b>Descr</b> Opera privile		rehicle without ing penalties	a valid driver's licer	nse or a	fter suspension o	r revocation	on of an	operating	
Fiscal	Effect								
	No State Fisc Indeterminate Increase E Appropriat Decrease Appropriat Create Ne	Existing ions Existing	Increase E Revenues Decrease Revenues	Existing	to abs	ase Costs sorb within Yes ease Costs	agency'		
	Indeterminate  1. Increase Permiss  2. Decrease	e Costs ive  Mandato	3.  Increase R ry Permissive 4.  Decrease	e∏Mar Revenu	ndatory	nment U <u>ni</u>	ts Affecto Village Others WTCS Districts	Cities	
Fund Sources Affected  GPR FED PRO PRS SEG SEGS									
Agenc	y/Prepared E	Зу	Auth	orized S	Signature			Date	
DOJ/ Mark Rinehart (608) 264-9463 Mark				Rinehart (608) 264-9463				1/28/2008	

## Fiscal Estimate Narratives DOJ 1/28/2008

LRB Number <b>07-1791/1</b>	Introduction Number	AB-0565	Estimate Type	Original					
<b>Description</b> Operating a motor vehicle without a valid driver's license or after suspension or revocation of an operating privilege and providing penalties									

## **Assumptions Used in Arriving at Fiscal Estimate**

Under current law, a person who knowingly commits an operating while suspended (OWS), operating while revoked(OAR), or operating without a license (OWL) violation and causes great bodily harm or death to another person, is guilty of a Class A misdemeanor. Under Assembly Bill 565, a person who knowingly commits an OWS, OAR, or OWL violation is guilty of a Class I felony if the person causes great bodily harm to another person, and guilty of a Class H felony if the person causes the death of another person.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 565 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department is not certain how many new felony cases it may handle due to the enactment of AB 565. If the number of new cases DOJ is asked to prosecute, or DOJ is required to handle on appeal, is significant, the department will need additional resources to handle its increased caseload.

**Long-Range Fiscal Implications**