

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1371/2	Introduction Number AB-0156
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Description
 Reimbursement to counties by prisoners and increasing drunk driving penalties

Fiscal Effect

State:

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

<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 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	3. <input checked="" type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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 checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<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 s. 20.395 (5) (cq)	

Agency/Prepared By DOT/ Richard Kleist (608) 266-1449	Authorized Signature Julie Johnson (608) 267-3703	Date 6/3/2009
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Fiscal Estimate Narratives

DOT 6/3/2009

LRB Number	09-1371/2	Introduction Number	AB-0156	Estimate Type	Original
Description Reimbursement to counties by prisoners and increasing drunk driving penalties					

Assumptions Used in Arriving at Fiscal Estimate

BILL SUMMARY

The bill changes the monetary and imprisonment penalties for operation of a motor vehicle while under the influence of an intoxicant or controlled substance offenses (OWI).

Under current law, a county may seek reimbursement from a person who was confined to the county jail for the actual per-day cost of maintaining the person in the jail, for the cost of investigating the person's financial status, and for other county expenses related to collecting the reimbursement.

Under this proposal, if the county decides to seek reimbursement from a person who was confined in the county jail as the result of an OWI-related violation, the Department of Transportation (DOT) may not reinstate the violator's operating privilege until the county notifies DOT that the person has reimbursed the county or that the county is no longer seeking reimbursement from the person.

ASSUMPTIONS

The bill increases the monetary and imprisonment penalties for certain OWI offenses. It also makes persons convicted of those charges ineligible for home detention, good time, work release, work camp, or community service release during a period of their imprisonment. These monetary and imprisonment penalties may cause more of these convicted drivers to be unable to pay the fines, thus causing more license suspensions for failure to pay forfeiture (FPF).

The court will most likely suspend those drivers unable to pay fines for FPF due to the increase in the amount of the fine or as a result of imprisonment. While this would cause an increase in the number of suspensions created, the number of new suspensions cannot be determined. Additionally, it is believed there would not be a determinable increase in the number of reinstatements resulting from the new FPF suspensions because the driver would most likely be reinstating from the underlying OWI revocation anyway.

This proposal provides that if the county decides to seek reimbursement from a person who was confined in the county jail as the result of an OWI-related violation, the DOT may not reinstate the violator's operating privilege until the county notifies DOT that the person has reimbursed the county or that the county is no longer seeking reimbursement from the person. This requirement may delay a person's ability to reinstate his operating privilege because he is unable to pay what could be significant reimbursement fees thereby increasing the likelihood he will drive without a valid license and possibly suffer other ramifications, such as loss of employment.

Under this proposal, courts must change the method used to report conviction and revocation data to DOT. The Consolidated Court Automation Program (CCAP) would need programming changes to allow the court to report when reimbursement is ordered and when the reimbursement has been paid. Likewise, DMV's driver license issuance application would need programming changes to stop reinstatement of a person's operating privilege until notified by the court the reimbursement had been paid. The system will also need to allow DMV field processors to enter reimbursement information should the person appear at a DMV Service Center with proof of payment.

CONCLUSION

The fiscal effect of the possible additional FPF license suspensions resulting from increasing fines or terms of imprisonment cannot be determined. There is no way of knowing how many additional suspensions would result from the changes proposed.

The expected cost for computer program changes and updates necessary to implement the requirement of reimbursement for the costs associated with maintaining a person in jail and the cost associated with collecting the reimbursement is approximately \$186,100. These changes and updates would allow the significant processing of this requirement to be automated, except for those occasions where a person required to pay the reimbursement may desire to provide proof of payment at a DMV Service Center. The number of persons choosing to take the information to the DMV Service Center is impossible to determine, therefore any additional costs for the manual updates is indeterminate.

The fiscal affect on local government is indeterminate. Delaying reinstatement of these people's operating privilege will be incentive for them to pay the reimbursement and pay it in a timely fashion. The ability to collect these reimbursements may also be incentives for more courts to order reimbursement as part of sentencing. The amount of additional revenue the counties will receive is not known.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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LRB Number 09-1371/2		Introduction Number AB-0156	
Description Reimbursement to counties by prisoners and increasing drunk driving penalties			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
The expected cost for computer program changes and updates necessary to implement the requirement of reimbursement for the costs associated with maintaining a person in jail and with collecting the reimbursement are estimated to be approximately \$186,100.			
ii. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
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			
		State	Local
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	Date
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