

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-1424/1	Introduction Number AB-0218	
Description Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated		
Fiscal Effect		
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input 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 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 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		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

SPD 4/24/2009

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Description Penalty surcharges, court fees, drivers' records, and drug and alcohol assessment for persons who commit certain offenses relating to driving while intoxicated					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. However, the bill would indirectly result in an increased number of criminal proceedings for the charge of operating a vehicle while intoxicated, second or subsequent offense. The bill proposes to require the Department of Transportation (DOT) to retain permanently records of first-offense OWI cases in which the defendant's blood-alcohol level did not exceed .099 percent. Thus, the bill would result in additional criminal cases when a defendant is charged with a subsequent OWI that would not have been permissible under present law.

The bill would also make the defendant responsible for surcharges, fees, and an assessment for alcohol and other drug abuse upon conviction in first-offense OWI cases in which the defendant's blood-alcohol level did not exceed .099 percent. The failure to pay the monetary obligations or to comply with the assessment will result in longer periods of revocation of driving privileges, which puts defendants at a prolonged period of time when they may be charged with the misdemeanor offense of operating after revocation (OAR), second or subsequent offense.

The SPD has no data to predict the number of additional cases of OWI or OAR that would result from the changes proposed in this bill. However, the average SPD cost per misdemeanor is \$217.54, based upon data from the 2008 fiscal year.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to additional charges of OWI and OAR. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications