

Fiscal Estimate Narratives

DOT 5/22/2009

LRB Number	09-0934/1	Introduction Number	AB-0244	Estimate Type	Original
Description fines and terms of imprisonment for certain drunken driving offenses and providing a penalty.					

Assumptions Used in Arriving at Fiscal Estimate

The language in this bill changes a 4th offense OWI from a forfeiture to a Class H felony.

In 2007 there were 1,902 arrests for 4th offense OWI, assuming a 92% conviction rate and a 20% WSP arrest rate 350 cases of 4th offense OWI can be attributed to WSP. The differences in handling a 4th offense as a felony versus a forfeiture are: 1. felony offenses require the violator be booked in the county jail at the time of the offense, this may result in additional officer time (since many OWI arrests are already processed at the county jail to wait for a responsible party it is difficult to estimate how many additional violators this would affect); 2. More county district attorney's offices may require a blood test for a felony OWI because of the consequences, blood tests are more costly to the arresting agency than a breath test and a blood test may also have additional officer wait time at the medical facility (a majority of county district attorney's offices now request a blood test for 2nd and above arrests, blood tests range from \$15-\$250/test); and 3. Due to the increased consequences and the fact that when you are charged with a felony you may have the right to an attorney more of these cases will most likely result in increased officer court time.

Most of the costs mentioned above are the costs of doing business in a law enforcement environment and are possible whether it is charged as a forfeiture or felony.

Given the small amount of cases, if each of these cases resulted in approximately 1 hour of additional officer's time at an overtime rate of \$51.25/hour that would equate to approximately \$17,937.50/year overtime.

The bill proposes to raise the maximum applicable fine from \$2,000 to \$10,000. Currently, some offenders do not pay their fines. DOT assumes that some increased number of offenders will not pay fines levied in excess of \$2,000. Offenders who are unable or unwilling to pay the increased fine will have their operating privileges suspended, in addition to the revocation for the OWI. Such an offender will not be eligible to reinstate his/her operating privilege until the OWI revocation period has run and the fine is paid in full.

Additionally counties may see an indeterminate increase in jail and public defender fees. The Department of Corrections may also see an indeterminate increase in confinements.

Long-Range Fiscal Implications

unknown