

Fiscal Estimate - 2009 Session

Original Updated Corrected Supplemental

LRB Number 09-0675/1	Introduction Number SB-130
Description Surrendering vehicle registration plates and the seizure and sale of vehicles used in certain drunken driving violations and creating a penalty	
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 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	
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	
<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	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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	Date
	3/26/2009

Fiscal Estimate Narratives

SPD 3/26/2009

LRB Number	09-0675/1	Introduction Number	SB-130	Estimate Type	Original
Description Surrendering vehicle registration plates and the seizure and sale of vehicles used in certain drunken driving violations and creating a penalty					

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. The bill requires persons convicted of operating under the influence of alcohol or controlled substances (OWI), second or third offense, to surrender their vehicle registration plates for a specified period of time. For OWI fourth (and subsequent) offenses, the court would be required to order that the defendant's vehicle be seized and sold.

The bill could increase the SPD workload in two ways. First, the proposed changes could result in additional trials and pretrial litigation. These proceedings would require additional attorney time and therefore increase SPD costs. The potential loss of the vehicle registration makes it likely that more defendants will choose to proceed to trial, rather than to plead guilty and accept this additional consequence of a conviction. Although the defendant already (under current law) sustains a revocation of driving privileges when convicted of OWI, family members may still operate the defendant's vehicle (some defendants may also be eligible for an occupational license).

Second, in cases in which the defendant is ordered to surrender the vehicle registration plates, some defendants may fail to surrender the registration plates within the time period provided. The failure could be intentional, but also could arise from the defendant being incarcerated or from someone else having possession of the vehicle. Although local practices differ, some counties may utilize contempt-of-court proceedings to sanction persons for failure to surrender their registration plates. If the sanctions include incarceration, the person may again be eligible for SPD representation in the contempt proceeding.

The SPD has no data to predict the number of additional trials or the additional contempt proceedings that may result if this bill is enacted.

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 may experience increased costs attributable to additional OWI trials and contempt proceedings. The counties could also incur additional costs associated with incarceration of defendants after a finding of contempt for persons who fail to pay the court-ordered costs.

Long-Range Fiscal Implications