

Fiscal Estimate Narratives

DHS 9/21/2011

LRB Number	11-2144/2	Introduction Number	AB-0670	Estimate Type	Original
Description Offenses related to operating a vehicle while intoxicated, releasing persons arrested for offenses related to operating a vehicle while intoxicated, granting rule-making authority, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill makes several changes to state law regarding operating while under the influence of an intoxicant (OWI-related offenses). Among other provisions, the bill would change a first OWI-related offense from a civil violation to a class C misdemeanor. In addition, individuals with prior first or second OWI offenses may not drive with a blood alcohol concentration (BAC) of more than 0.02 for a two year period.

The bill would also establish an Intoxicated and Drugged Driver fund using \$10,000,000 of revenues generated by the wine and liquor tax. Allocations from this fund would be made to several state agencies, including DHS, to pay for costs incurred by district attorneys, public defenders, circuit courts, and counties for prosecuting and providing treatment programs for first OWI-related offenders.

This bill will increase expenditures in DHS, by the amount allocated from the Intoxicated and Drugged Driver fund, for services to drivers convicted of first time OWI offenses. The DHS expenditure amount will not be known until the 2011-13 allocation for the department is determined. It is assumed DHS would allocate the funds to counties for treatment of first-time OWI offenders.

This bill will impact counties by increasing both revenue and incurred cost. The primary means by which counties receive dollars for OWI-related offender treatment is through the Intoxicated Driver Program Surcharge, a \$365 fee assessed on OWI-related offenses. Counties retain 60% of this revenue and the remaining 40% is sent to the State for OWI-related costs at DOJ, DOT, DPI and the UW's State Lab of Hygiene, and for OWI treatment grants at DHS. In CY 10, DHS provided \$844,900 in grant funds to 32 counties for OWI treatment.

Each individual convicted of an OWI is required to have a driver's safety plan developed, indicating whether treatment or education is required of the individual. Outpatient treatment is estimated to cost \$974 per person, while education courses are assumed to incur minimal cost. The bill provides \$10,000,000 to be allocated to multiple agencies for first-offense OWI-related prosecution and treatment expenses. In 2010, DOT reported 20,464 first-time offenders; we estimate 5,800 were referred to outpatient treatment at an estimated cost of \$5,649,200.

If the number of OWI offenders charged and referred for treatment increases by 20%, IDP surcharge revenues retained by counties would increase by \$1,413,600 and county treatment costs would increase by \$3,080,500, for a difference of -\$1,666,900. This difference is calculated using 2010 DOT data (32,273 OWI offenders, an estimated 49% of all offenders required treatment services), IDP statute requirements (\$365 IDP surcharge, 60% of IDP revenue retained by counties), and estimated outpatient treatment costs of \$974 per person. The calculation also assumes that all new OWI offenders requiring treatment are referred to outpatient services and that all new offenders pay the IDP surcharge fee. Funding allocations from the Intoxicated and Drugged Driver Fund could potentially cover the treatment increase for first time offenders. Counties would need to use IDP revenues or tax levy funds to support for treatment for additional second and third time offenders.

Long-Range Fiscal Implications