

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-0731/2	Introduction Number AB-0071
Description Penalties for operating-while-intoxicated offenses and providing a penalty	
Fiscal Effect	
State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" 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 checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input 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 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	
Agency/Prepared By DA/ Phil Werner (608) 267-2700	Authorized Signature James Langdon (608) 267-1001
Date 3/22/2013	

Fiscal Estimate Narratives

DA 3/22/2013

LRB Number	13-0731/2	Introduction Number	AB-0071	Estimate Type	Original
Description Penalties for operating-while-intoxicated offenses and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The primary effect of this bill is to convert 3rd and 4th offense OWI violations from criminal traffic misdemeanors to felonies. Should this bill be enacted, prosecutors anticipate a significant fiscal impact. In 2009, there were 2,477 3rd offense OWI-related convictions and 1,129 4th offense OWI-related convictions. For purposes of this fiscal estimate, however, the number of 4th offense OWI cases to be considered is reduced by 50%, which reflects an estimate of the number of cases that occurred within five years of a prior offense and under current law are considered a felony. The total number of 3rd and 4th offense convictions that are considered for this estimate are 3,042 cases (2,477 + 565).

Of the 3,042 convictions cited above, undoubtedly there were some cases that did not result in convictions. Some prosecutors believe it is reasonable to estimate that there would be 15% more cases for 3rd and 4th offense OWI that did not result in conviction. This would equate to approximately 3,498 3rd and 4th offense OWIs per year.

The District Attorney Workload Analysis, recently adjusted based on recommendations of the Wisconsin District Attorneys Association, indicates that each general felony takes approximately 8.49 hours to prosecute; whereas, each criminal traffic misdemeanor prosecution averages 2.91 hours. The difference to prosecute a felony versus a criminal traffic misdemeanor case is 5.58 hours; consequently, this bill would require approximately 5.58 additional hours to prosecute each 3rd and 4th offense OWI case.

5.58 hours times 3,498 cases equates to 19,519 additional hours of time to prosecute the cases. The DA Workload Analysis and its weighted caseload formula estimate that each prosecutor has 1,162 hours per year in which to deal with cases. 19,519 caseload hours divided by 1,162 hours available to prosecutors indicates a need for 16.8 prosecutors.

Annual salary = \$49,429
Annual fringe = \$18,936
TOTAL = \$68,365 x 16.8 ADAs = \$1,148,532.

Long-Range Fiscal Implications

Prosecutors see a long-range impact should this bill be enacted. Please see calculations above.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

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LRB Number 13-0731/2		Introduction Number AB-0071	
Description Penalties for operating-while-intoxicated offenses and providing a penalty			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$1,148,532		\$
(FTE Position Changes)	(16.8 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$1,148,532		\$
B. State Costs by Source of Funds			
GPR	1,148,532		
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			
	<u>State</u>		<u>Local</u>
NET CHANGE IN COSTS	\$1,148,532		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		James Langdon (608) 267-1001	3/22/2013