

Fiscal Estimate - 2013 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-4045/2	Introduction Number AB-0846	
Description Making the first offense of operating a motor vehicle while under the influence of an intoxicant a crime, making an appropriation, 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 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 3/14/2014

Fiscal Estimate Narratives

DA 3/14/2014

LRB Number	13-4045/2	Introduction Number	AB-0846	Estimate Type	Original
Description Making the first offense of operating a motor vehicle while under the influence of an intoxicant a crime, making an appropriation, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Currently, a first offense of operating a motor vehicle while under the influence of an intoxicant (OWI) is a civil violation. Under this bill, a person who commits a first OWI-related offense is guilty of a crime.

Prosecutors believe that if first offense OWI violations are criminal, their workload will increase dramatically. Because first offense OWIs currently are non-criminal, the majority of these cases are prosecuted by city and municipal authorities. A large number of first offense OWI violators plead at their initial appearance. If such offenses become criminal, however, they must be handled in criminal courts by DAs. Once offenders realize that they may face jail time they will be more likely to retain counsel. A case could be in the court system for months having scheduling conferences, status conferences, and pre-trial conferences. Many may have suppression hearings challenging the stop and arrest.

Prosecutors estimate that it requires an average of 2.91 hours to prosecute a misdemeanor case such as the proposed 1st offense OWI. In 2012, the last year for which data is available, 1st offense OWI convictions totaled 16,619. Prosecutors believe that this figure should be increased by 5% to also account for cases that are reviewed but not charged and cases that go to trial and are lost. Based on 2012 data, 50,779 hours of prosecutorial time would be needed to handle such cases:

1st Offense OWI Convictions 16,619
5% Increase 831
Total Cases 17,450

Hours Per Case 2.91
Total Hours 50,779

On average, a prosecutor dedicates 1,162 hours per year to the prosecution of cases (the remainder of their time is used for administrative duties, community work, professional education and training, leave, etc.). Based upon this average, 43.70 prosecutors would be required to handle 1st offense OWI cases:

Total Hours 50,779
Average Prosecution Hours/Year 1,162
Total Prosecutors Required 43.70

The cost of prosecutors required to handle 1st offense OWI cases would be \$2,981,081:

Total Prosecutors Required 43.70
Minimum Starting Salary \$49,429
Total Salary \$2,160,047

Fringe Benefit Rate 38.01%
Total Fringe \$821,034

Total Cost \$2,981,081.

Long-Range Fiscal Implications

Please see the narrative above regrading potential fiscal impact.

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 13-4045/2		Introduction Number AB-0846	
Description Making the first offense of operating a motor vehicle while under the influence of an intoxicant a crime, making an appropriation, 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	\$2,981,081		\$
(FTE Position Changes)	(43.7 FTE)		
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category	\$2,981,081		\$
B. State Costs by Source of Funds			
GPR	2,981,081		
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	\$2,981,081		\$
NET CHANGE IN REVENUE	\$		\$
Agency/Prepared By		Authorized Signature	Date
DA/ Phil Werner (608) 267-2700		James Langdon (608) 267-1001	3/14/2014