

Fiscal Estimate Narratives

DA 3/22/2013

| | | | | | |
|---|-----------|---------------------|--------|---------------|----------|
| LRB Number | 13-1582/1 | Introduction Number | SB-061 | Estimate Type | Original |
| Description Seizure and forfeiture of motor vehicles used in certain operating-while-intoxicated offenses and providing a penalty | | | | | |

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, if a person commits a 3rd or subsequent OWI-related offense, the court may order that the vehicle used in the offense be seized. If a seizure is ordered, the District Attorney must initiate a forfeiture proceeding.

This is not a mandatory requirement for a judge. It appears, however, to be similar to a standard civil proceeding, which will be time consuming and take prosecutors away from many of their normal duties. According to the Department of Transportation, annually there are 9,670 3rd and 4th OWI convictions on a Statewide basis. If one-fourth of the defendants own a car that is ordered forfeited, that would equate to 2,417 forfeiture filings. Estimating that a forfeiture requires the same amount of time as a misdemeanor, it would take 2.91 hours per case.

$2.91 \text{ hours} \times 2,417 \text{ cases} = 7,033 \text{ hours}$. 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. $7,033 \text{ caseload hours} \div 1,162 \text{ hours available to prosecutors}$ indicates a need for 6.05 prosecutors.

Annual salary = \$49,429
Annual fringe = \$18,936
TOTAL = $\$68,365 \times 6.05 \text{ ADAs} = \$413,608$.

Long-Range Fiscal Implications

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

Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

| | | | |
|--|--|--|-----------------|
| LRB Number 13-1582/1 | | Introduction Number SB-061 | |
| Description Seizure and forfeiture of motor vehicles used in certain 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 | | \$413,608 | \$ |
| (FTE Position Changes) | | (6.0 FTE) | |
| State Operations - Other Costs | | | |
| Local Assistance | | | |
| Aids to Individuals or Organizations | | | |
| TOTAL State Costs by Category | | \$413,608 | \$ |
| B. State Costs by Source of Funds | | | |
| GPR | | 413,608 | |
| 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 | | \$413,608 | \$ |
| NET CHANGE IN REVENUE | | \$ | \$ |
| Agency/Prepared By | | Authorized Signature | Date |
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