

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>17-1474/1</b>	Introduction Number <b>AB-0097</b>
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**Description**  
 mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a criminal penalty

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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**Local:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Government Units Affected</b> <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
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<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> CTS/ Nancy Rottier (608) 267-9733	<b>Authorized Signature</b> Nancy Rottier (608) 267-9733	<b>Date</b> 3/22/2017
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## Fiscal Estimate Narratives

CTS 3/22/2017

LRB Number	17-1474/1	Introduction Number	AB-0097	Estimate Type	Original
<b>Description</b> mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill imposes a mandatory minimum period of initial confinement in prison for persons convicted of homicide by intoxicated use of a vehicle. Under the bill, persons convicted of this offense must be sentenced to a minimum of five years in prison. The bill also provides that a court may impose a sentence that is less than this minimum if: (1) the death caused was to a person who was in the vehicle at the time of the violation; (2) the court finds that the best interests of the community will be served and the public will not be harmed; and (3) the court places its reasons on the record.

Under current law, homicide by intoxicated use of a vehicle is classified as either a Class C or a Class D felony. It is a Class C felony if the person has one or more prior convictions for operating a vehicle while intoxicated; all other violations are a Class D felony. The penalties for these felonies are as follows:

For a Class C felony, a fine not to exceed \$100,000 or imprisonment not to exceed 40 years, or both.  
For a Class D felony, a fine not to exceed \$100,000 or imprisonment not to exceed 25 years, or both.

This bill does not create a new category of crime and will only impact cases already being brought. It also does not create new procedures that would require additional court resources.

Based on statistics compiled by the court system,\* more than 90% of felony traffic cases are disposed of by a plea before trial. If the requirement of mandatory initial confinement in prison results in more parties requesting resolution by trials rather than by pleas, then there could be additional court resources required. It is impossible to predict how frequently that may happen.

It is expected that existing court staff would absorb any additional proceedings.

This bill may result in changes to usage of county jails. It may result in persons spending less time in county jails because they are being sentenced to longer periods of time in state prison. An accurate estimate of the change in costs is impossible with the data available.

\*Data available at: <https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>

### Long-Range Fiscal Implications