

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

LRB Number <b>17-1384/1</b>	Introduction Number <b>AB-0099</b>
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**Description**  
 committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a criminal penalty

**Fiscal Effect**

**State:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> No State Fiscal Effect           | <input type="checkbox"/> Increase Existing Revenues | <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget |
| <input checked="" type="checkbox"/> Indeterminate         | <input type="checkbox"/> Decrease Existing Revenues | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                   |
| <input type="checkbox"/> Increase Existing Appropriations |   | <input type="checkbox"/> Decrease Costs   |
| <input type="checkbox"/> Decrease Existing Appropriations |   |   |
| <input type="checkbox"/> Create New Appropriations        |   |   |

**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                           | 5. Types of Local Government Units Affected<br><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities<br><input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| <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 |   |

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR   
  FED   
  PRO   
  PRS   
  SEG   
  SEGS

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## Fiscal Estimate Narratives

CTS 4/5/2017

LRB Number	17-1384/1	Introduction Number	AB-0099	Estimate Type	Original
<b>Description</b> committing a fifth or sixth offense related to operating a vehicle while intoxicated 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 fifth or sixth offense operating while intoxicated (OWI).

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 hearings and resources.

The requirement for increased mandatory minimum periods of initial confinement may create a greater incentive for defendants to resolve cases by trial rather than by a plea before trial. According to statistics compiled by the court system,\* for calendar years 2014-2016 about 91% of fifth offense or higher OWI cases were disposed of by a plea before trial. If the requirement in this bill results in more defendants 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 be able to absorb the costs of any additional proceedings.

This bill is very likely to result in changes to usage of county jails. Under current law, fifth or sixth offense OWI requires a minimum of 6 months of imprisonment. This bill may result in persons spending less time in county jails because that sentencing option would no longer be available. 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