

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-1025/1	Introduction Number AB-0016
-----------------------------	------------------------------------

Description
 committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a 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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
--	--	---

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input checked="" type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input checked="" 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	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" 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 CTS/ Nancy Rottier (608) 267-9733	Authorized Signature Nancy Rottier (608) 267-9733	Date 5/1/2019
--	---	-------------------------

Fiscal Estimate Narratives

CTS 5/1/2019

LRB Number	19-1025/1	Introduction Number	AB-0016	Estimate Type	Original
Description committing a fifth or sixth offense related to operating a vehicle while intoxicated and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill draft imposes a longer mandatory minimum period of initial confinement for persons convicted of fifth or sixth offense operating while intoxicated (OWI), increasing the period of time from no less than 6 months to no less than one year and six months.

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. This incentive may be greater because every defendant faces confinement time in prison rather than in the county jail. According to statistics compiled by the court system for calendar years 2014-2018, about 92% 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, but 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. Offenders would be assigned to the state prison system because the period of confinement would be greater than one year. This bill may result in persons spending less time in county jails because that sentencing option would no longer be available. Under current law, fifth or sixth offense OWI requires a minimum of 6 months of confinement, time that is often spent in the county jail. An accurate estimate of the change in costs is impossible with the data available.

The circuit court case disposition data cited above is available at:
<https://www.wicourts.gov/publications/statistics/circuit/circuitstats.htm>

Long-Range Fiscal Implications