

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:

| | | |
|---|---|--|
| <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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <input checked="" type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | |
| <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 checked="" type="checkbox"/> Increase Costs | 3. <input type="checkbox"/> Increase Revenue | 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 |
| <input type="checkbox"/> Permissive <input checked="" 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 |
| <input checked="" 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 DOJ/ Michelle Gauger (608) 267-6714 | Authorized Signature Michelle Gauger (608) 267-6714 | Date 4/2/2019 |
|--|---|-------------------------|

Fiscal Estimate Narratives

DOJ 4/2/2019

| | | | | | |
|--|-----------|---------------------|---------|---------------|----------|
| 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

Under current law, a person convicted of a fifth or sixth offense for operating a motor vehicle while intoxicated is guilty of a Class G felony and must be fined at least \$600 or up to \$25,000, and imprisoned for at least six months or up to ten years.

This bill increases the minimum imprisonment period from six to 18 months.

The Criminal Appeals Unit within the Department of Justice represents the state in all felony appeals before the Wisconsin Court of Appeals, the Wisconsin Supreme Court and the United States Supreme Court. Any change to criminal penalties may increase the number of felony appeals. Specifically, increases in mandatory minimums decrease prosecutors' ability to resolve cases with plea agreements and reduces the sentencing discretion of judges, resulting in more jury trials and a likely increase in the number of felony appeals cases handled by the Department of Justice.

The magnitude of the criminal appeals workload increase is unknown, however, it is likely to be significant due to the increase in the minimum incarceration period from six months in jail to eighteen months in a state prison.

The Department of Corrections estimates that an additional 343 individuals would be sentenced to prison annually, instead of probation and jail. Although not all of these individuals would appeal their convictions, the increase in the appellate workload would exceed what can be absorbed by existing personnel and an additional Assistant Attorney General position would be required to handle the additional cases.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2019 Session

Detailed Estimate of Annual Fiscal Effect

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| | | | |
|--|------------------|--|-----------------|
| 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 | | | |
| 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 | \$145,000 | | \$ |
| (FTE Position Changes) | (1.0 FTE) | | |
| State Operations - Other Costs | 5,000 | | |
| Local Assistance | | | |
| Aids to Individuals or Organizations | | | |
| TOTAL State Costs by Category | \$150,000 | | \$ |
| B. State Costs by Source of Funds | | | |
| GPR | 150,000 | | |
| 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, ets.) | | | |
| | 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 | \$150,000 | | \$ |
| NET CHANGE IN REVENUE | \$ | | \$ |
| Agency/Prepared By | | Authorized Signature | Date |
| DOJ/ Michelle Gauger (608) 267-6714 | | Michelle Gauger (608) 267-6714 | 4/2/2019 |