Wisconsin Department of Administration
Division of Executive Budget and Finance

Fiscal Estimate - 2019 Session

☒ Original ☐ Updated ☐ Corrected ☐ Supplemental

LRB Number **19-1006/1**	Introduction Number **AB-0017**

Description
mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty

Fiscal Effect

State:

☐ No State Fiscal Effect
☒ Indeterminate
- ☐ Increase Existing Appropriations
- ☐ Decrease Existing Appropriations
- ☐ Create New Appropriations
- ☐ Increase Existing Revenues
- ☐ Decrease Existing Revenues
- ☐ Increase Costs - May be possible to absorb within agency's budget ☐ Yes ☐ No
- ☐ Decrease Costs

Local:

☐ No Local Government Costs
☒ Indeterminate
1. ☐ Increase Costs ☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs ☐ Permissive ☐ Mandatory
3. ☐ Increase Revenue ☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenue ☐ Permissive ☐ Mandatory

5. Types of Local Government Units Affected
☐ Towns ☐ Village ☐ Cities
☐ Counties ☐ Others
☐ School Districts ☐ WTCS Districts

Fund Sources Affected
☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEGS

Affected Ch. 20 Appropriations

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DA 3/11/2019

LRB Number **19-1006/1**	Introduction Number **AB-0017**	Estimate Type **Original**
Description mandatory period of confinement for homicide by intoxicated use of a vehicle and providing a penalty		

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, a person who is convicted of homicide by intoxicated use of a vehicle must be sentenced to a mandatory minimum period of confinement in prison of five years. The bill creates an exception to the mandatory minimum sentence created in this bill if the decedent was a passenger in the person's car and the court finds that the best interests of the community will be served and that the public will not be harmed. If the court sentences a person to a period of confinement that is less than the mandatory minimum sentence, the bill requires the court to put its findings in writing.

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Responsive District Attorneys generally cited the belief that any increase in mandatory minimums in proposed legislation decreases the District Attorneys ability to resolve cases with plea agreements, reduces the Judge's discretion at sentencing and increases the likelihood that the defendant will contest his/her guilt at trial or via a pre-trial motion. Motion practice and jury trials consume significantly more prosecutorial resources and time than resolving matters via plea agreement. The number of additional cases that would be calendared for litigation rather than plea as a result of this legislation is unknown.

Responsive District Attorneys did note that the proposed mandatory minimum in this legislation did not exceed the current recommendations from their offices or the sentences imposed by Judges in their counties. Thus while listed as indeterminate, fiscal impact is believed to be minimal.

Long-Range Fiscal Implications

Data with which to make a long range fiscal impact projection as to the effects of this proposed legislation is unavailable.