

### Fiscal Estimate - 2019 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>19-1198/1</b>	<b>Introduction Number</b> <b>SB-009</b>	
<b>Description</b> penalties for offenses related to operating a vehicle while intoxicated and providing a penalty		
<b>Fiscal Effect</b>		
<b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input checked="" 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		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> 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 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <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 20.410(1)(b)		
<b>Agency/Prepared By</b> DOC/ Emily Lindsey (608) 240-5413	<b>Authorized Signature</b> Paulina De Haan (608) 240-5056	<b>Date</b> 2/15/2019

## Fiscal Estimate Narratives

DOC 2/15/2019

LRB Number	19-1198/1	Introduction Number	SB-009	Estimate Type	Original
<b>Description</b> penalties for offenses related to operating a vehicle while intoxicated and providing a penalty					

### Assumptions Used in Arriving at Fiscal Estimate

This bill criminalizes a first offense relating to operating a vehicle while intoxicated (OWI-related offense). Under current law, a first OWI-related offense is a civil violation, unless there was a minor passenger under the age of 16 in the vehicle at the time of the offense. A person who commits a civil OWI-related offense is subject to a forfeiture of not less than \$150 nor more than \$300. Subsequent OWI-related offenses are crimes punishable by fines and periods of imprisonment that increase with every subsequent offense.

Current law increases the penalty for a second OWI-related offense if the person committed the second offense within ten years of the first offense or if the person committed an OWI-related offense that caused death or great bodily harm to another.

Under this bill, a person who commits a first OWI-related offense is guilty of a Class C misdemeanor and may be fined up to \$500, imprisoned for up to 30 days, or both. Under the bill, a person who commits a second OWI-related offense is subject to the increased penalties regardless of whether the person commits the offense within ten years of his or her first OWI-related offense. Under the bill, a court may, upon petition by the person who has been convicted of a first OWI-related offense, vacate the person's criminal conviction and amend the record to a civil violation if, in the five years since the person was convicted of the offense, he or she has not committed any other OWI-related offense. Under the bill, the clerk of courts amends the court records that are available in person and online to show only the civil violation.

The Department analyzed current sentencing trends and conviction rates to estimate the number of individuals that could be sentenced to probation under the proposed bill. In CY2017, 14,313 individuals were convicted of OWI 1st offenses. An analysis of three years' worth of conviction data from the Wisconsin Department of Transportation show convictions are declining at approximately 2.4% per year. The Department assumes this trend will continue and estimates that 13,970 individuals will be convicted of OWI 1st offenses in CY2018.

To estimate the number of individuals that would be convicted, sentenced, and admitted to the Department of Corrections under the bill, the Department assumes that admission rates for OWI 1sts under this bill would be similar to current admission rates for OWI 2nd offenses. From 2015 to 2017, on average, 7.9% of all OWI 2nd offense convictions were sentenced to probation or prison per year.

Under this bill individuals convicted of OWI 1st offenses could be sentenced to pay a fine up to \$500, imprisoned for up to 30 days and/or up to 2 years of probation. For purposes of this fiscal estimate, the Department assumed 1,097 (7.9% of the estimated 13,970 individuals convicted of OWI 1st offense) would be sentenced to 1 year of probation. The additional 1,097 individuals would be a permanent increase to the probation population after 12 months.

Utilizing current staffing patterns and treatment standards, if 1,097 individuals were sentenced to 1 year of probation, the Department would require: 22.00 FTE and \$2,581,200 GPR in the first full year of enactment and 22.00 FTE \$2,955,400 GPR in the second and subsequent years of enactment to provide community supervision, electronic alcohol monitoring, and substance use disorder treatment.

The Department has no data to estimate the fiscal impact to local governments.

#### Summary:

The Department estimates it would require: 22.00 FTE and \$2,581,200 GPR in the first full year of enactment and 22.00 FTE \$2,955,400 GPR in the second and subsequent years of enactment to provide community

supervision, electronic alcohol monitoring, and substance use disorder treatment.

### **Long-Range Fiscal Implications**