

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3315-03  
Bill No.: HCS No. 2 for HB 1423  
Subject: Alcohol; Law Enforcement Officers and Agencies; Motor Vehicles  
Type: Original  
Date: March 12, 2008

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Bill Summary: This proposal enacts provisions relating to ignition interlock devices.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Transportation (MoDOT)** state the bill changes the requirement so that the court may require the installation of the interlock system on any vehicle the offender operates regardless of whether the offender is a first, second or subsequent offender. The interlock must be installed for a period of not less than six months.

MoDOT states 23 U.S.C. Section 164 requires States to enact “repeat intoxicated driver laws.” These laws provide minimum penalties for individuals convicted of a second or subsequent offense for driving while intoxicated or driving under the influence. These state laws must require repeat offenders to:

- (1) receive a driver’s license suspension for at least one year;
- (2) be subject to the impoundment or immobilization of each of the individual’s motor vehicles or the installation of an ignition interlock system on each of the motor vehicles; and
- (3) receive an assessment of the individual’s degree of abuse of alcohol and treatment as appropriate.

Because the draft language in section 577.600 no longer requires an ignition interlock system for a repeat offender and instead leaves this sanction to the court’s discretion, the language takes Missouri out of compliance with Section 164. Noncompliant states are subject to a transfer of 3% of the state’s apportionment for the Federal-aid highway programs under paragraphs (1), (3) and (4) of Section 104(b). This transfer amounts to approximately \$12 million annually. These funds are transferred from the infrastructure activities to behavioral safety or hazard elimination projects.

Officials from the **Department of Revenue (DOR)** anticipate all Ignition Interlock vendors to transmit offender compliance and noncompliance notices electronically to the department; therefore the impact would be minimal. However; if all Ignition Interlock vendors do not comply electronically, DOR will request FTE and associated cost for processing manual compliance and noncompliance notices including sorting, batching, editing and keying the documents. This cost will then be requested through the appropriations process.

DOR states that Information Technology will need to create an Ignition Interlock subsystem in order to automate the process to evaluate the status of the driver, to update the receipt of an Ignition Interlock maintenance report and to generate appropriate notices to issue to the citizen.

ASSUMPTION (continued)

Due to the Statewide Information Technology Consolidation, DOR's response to a proposal will now also reflect the cost estimates prepared by OA-IT for impact to the various systems. As a result, the impact shown may not be the same as previous fiscal notes submitted. In addition, if the legislation is Truly Agreed To and Finally Passed, the OA-IT costs shown will be requested through appropriations by OA-IT.

Office of Administration Information Technology (ITSD DOR) estimates that this legislation could be implemented utilizing 4 existing CIT III's for 4 months at a rate of \$54,418. The Office of Administration Information Technology (ITSD DOR) estimates the IT portion of this request can be accomplished within existing resources; however, if priorities shift, additional FTE/overtime would be needed to implement.

DOR assumes this legislation will allow the state to qualify for federal 410 grant funding utilized by Highway Safety, Department of Public Safety, Highway Patrol, Department of Revenue, Office of State Court Administration, etc.

**Oversight** assumes the loss of federal funding from non-compliance, as stated in MoDOT's response as well as the state qualifying for federal 410 grant funding, as stated in DOR's response, are both speculative and are not considered direct fiscal impacts of this proposal, and therefore, Oversight has not reflected the potential loss or potential gain on the fiscal note.

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Department of Public Safety - Director's Office** and **Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2004 average \$38.37 per inmate, per day or an annual cost of \$14,005) or through supervision provided by the Board of Probation and Parole (FY 2003 average \$3.15 per offender, per day or an annual cost of \$1,150). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Office of the State Public Defender (SPD)** state while the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Officials from the **Office of Prosecution Services (OPS)** state they are not aware of any estimates of the number of additional criminal cases that would be referred to County Prosecutors for charges because of this proposed legislation. In fiscal year 2006 the Office of State Courts Administrator reported that 39,682 separate criminal charges related to driver's license violations were filed. It is assumed that the criminal provisions added to this draft of the pending legislation, would result in a significant increase in the number of criminal charges filed.

The OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to County Prosecutors for charges if the criminal provisions of this draft were enacted into law. It is therefore presently not possible to determine to what extent this proposal would have a significant direct fiscal impact on county prosecutors or the OPS.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2009  
(10 Mo.)

FY 2010

FY 2011

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

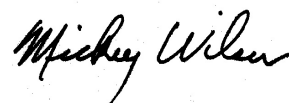
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Revenue  
Department of Transportation  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Public Safety  
Department of Corrections



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Director  
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