

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3315-04
Bill No.: SCS for HCS No. 2 for HB 1423
Subject: Alcohol; Law Enforcement Officers and Agencies; Motor Vehicles
Type: Original
Date: May 8, 2008

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$161,836)	(\$200,027)	(\$206,029)
Total Estimated Net Effect on General Revenue Fund	(\$161,836)	(\$200,027)	(\$206,029)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Highway Funds	(\$48,000)	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	(\$48,000)	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

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

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

☒ 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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$161,836	\$200,027	\$206,029

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version of this proposal, officials from the **Department of Transportation (MoDOT)** stated 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 **Department of Public Safety - Director's Office** assume the proposal would not fiscally impact their agency.

In response to a previous version of this proposal, 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.

In response to a previous version of this proposal, officials from the **Office of the State Public Defender (SPD)** stated 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 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.

Section 577.023 intoxication-related traffic offense:

Officials from the **Department of Public Safety - Missouri Highway Patrol** state the amendment states that MULES will be searched for intoxication-related traffic offenses. However, MULES is not currently designed to access databases that include this information. The Patrol would have to create new queries to access databases outside of MULES. A consultant would need to be hired, and this would require 480 hours of work to develop these

ASSUMPTION (continued)

new queries, at a cost of \$100 per hour. This would be a total of \$48,000 (480 hours x \$100 per hour).

Section 487.466 - Jackson County drug court:

Officials from the **Office of State Courts Administrator (CTS)** assume, beginning August 28, 2008, the proposed legislation would remove the requirement that the state be reimbursed by Jackson County for salary and benefits of the drug court commissioner in the 16th judicial circuit. The compensation for a drug court commissioner is the same as for an associate circuit judge (\$106,181 per year plus fringe benefits). CTS assumes the total cost of the legislation to be approximately \$163,000 in FY 09 and approximately \$200,000 in subsequent years.

Oversight assumes this part of the proposal does not address the current payment of equipment and expenses of the drug court commissioner. Therefore, the fiscal note does not reflect any cost or savings to equipment and expenses.

Oversight assumes this part of the proposal would result in savings to Jackson County because they would no longer be required to reimburse the state for the salary and benefits of the drug court commissioner. Oversight assumes the savings to be approximately \$162,000 in FY 09 and approximately \$200,000 in subsequent years.

Officials from Jackson County did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs – Office of State Courts Administrator (CTS) (§ 487.466)</u>			
Personal Service	(\$91,139)	(\$112,647)	(\$116,027)
Fringe Benefits	(\$70,697)	(\$87,380)	(\$90,002)
<u>Total Costs – CTS</u>	<u>(\$161,836)</u>	<u>(\$200,027)</u>	<u>(\$206,029)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$161,836)</u>	<u>(\$200,027)</u>	<u>(\$206,029)</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
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HIGHWAY FUNDS

<u>Costs - Missouri Highway Patrol</u> Modifications to MULES (§ 577.023)	<u>(\$48,000)</u>	<u>\$0</u>	<u>\$0</u>
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ESTIMATED NET EFFECT TO HIGHWAY FUNDS	<u>(\$48,000)</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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POLITICAL SUBDIVISIONS

<u>Savings – Jackson County (§ 487.466)</u>			
Personal Service	\$91,139	\$112,647	\$116,027
Fringe Benefits	<u>\$70,697</u>	<u>\$87,380</u>	<u>\$90,002</u>
<u>Total Savings – Jackson County</u>	<u>\$161,836</u>	<u>\$200,027</u>	<u>\$206,029</u>

ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	<u>\$161,836</u>	<u>\$200,027</u>	<u>\$206,029</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This substitute specifies that anyone who has had his or her license and driving privilege suspended or revoked for a second or subsequent alcohol-related traffic offense cannot obtain a restricted driving privilege until the person has completed 30 days of a suspension and has filed

FISCAL DESCRIPTION (continued)

proof with the Director of the Department of Revenue that his or her motor vehicle is equipped with a functioning, certified ignition interlock device as a required condition of the person's restricted driving privilege. The ignition interlock device must be maintained on all motor vehicles operated by the person for a period of at least six months following the date of reinstatement. If the person fails to maintain the proof, the restricted driving privilege will be terminated and the person will be guilty of a class A misdemeanor. Any person who has had his or her driving privilege revoked must also file proof of financial responsibility prior to reinstatement.

Currently, Jackson County must reimburse the state for moneys received for the salary and benefits payable to the drug court commissioner in the 16th judicial circuit. Section 487.466 removes the reimbursement requirement.

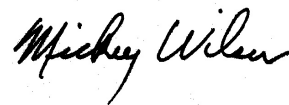
Section 577.023 requires a search be allowed to be conducted on the Missouri Uniform Law Enforcement System maintained by the Missouri Highway Patrol of intoxication-related traffic offenses.

The proposal has an emergency clause on Section 577.023.

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



Mickey Wilson, CPA

L.R. No. 3315-04
Bill No. SCS for HCS No. 2 for HB 1423
Page 9 of 9
May 8, 2008

Director
May 8, 2008

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