

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0544H.02C
Bill No.: HCS for HB 87
Subject: Drunk Driving/Boating; Crimes and Punishment; Motor Vehicles; Criminal Procedure
Type: Original
Date: February 16, 2025

Bill Summary: This proposal modifies provisions relating to driving while intoxicated.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
General Revenue*	(\$378,787)	(\$603,637)	(\$943,456)	(\$3,314,860)
Total Estimated Net Effect on General Revenue	(\$378,787)	(\$603,637)	(\$943,456)	(\$3,314,860)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
General Revenue	1 FTE	0 FTE	0 FTE	0 FTE
Total Estimated Net Effect on FTE	1 FTE	0 FTE	0 FTE	0 FTE

- ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2035)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§577.010 – Driving While Intoxicated Provisions

Officials from the **Department of Corrections (DOC)** assume the proposed legislation modifies §577.010 to increase punishment from a class E felony to class D felony if a person commits the offense of driving while intoxicated and acts with criminal negligence to cause physical injury to another person. Proposed legislation raises the punishment from a class D felony to a class C felony if serious physical injury occurs. Legislation also raises punishment from a class C felony to a class B felony if death occurs and person would not be eligible for probation or parole for a minimum of 5 years. If death of 2 or more persons, the felony class is raised from current class B to a class A felony, and if while driving while intoxicated the defendant acts with criminal negligence to cause the death of any person while the defendant has a blood alcohol content of at least fifteen hundredths of one percent by weight of alcohol, person is not eligible for probation or parole for a minimum of 10 years.

Class E to Class D

In FY 2024, 69 offenders were sentenced to probation and 7 offenders were sentenced to prison for Class E DWI – Physical Injury. The average sentence for a violent class E felony offense is 4 years, of which 3 years will be served in prison with 2.2 years to first release. The remaining 1.0 year will be on parole. Probation sentences will be 4 years. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years.

Class D to Class C

In FY 2024, 64 offenders were sentenced to probation and 13 offenders were sentenced to prison for Class D DWI – Serious Physical Injury. The average sentence for a violent class D felony offense is 5.7 years, of which 4 years will be served in prison with 3 years to first release. The remaining 1.7 years will be on parole. Probation sentences will be 4 years. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years.

Class C to Class B

In FY 2024, 8 offenders were sentenced to probation and 10 offenders were sentenced to prison for Class C DWI – Death of Another. The average sentence for a class C felony offense is 6.9 years, of which 3.7 years will be served in prison with 2.1 years to first release. The remaining 3.2 years will be on parole. Probation sentences will be 3 years. Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release.

Given that the legislation assumes all class B felonies will serve 5 years in prison prior to probation or parole, they assume these sentences will be served with 5 years to first release.

Class B to Class A

In FY 2024, 1 offender was sentenced to probation and 2 offenders were sentenced to prison for Class B DWI – Death of 2 or More. 2 offenders were sentenced to probation and 0 offenders were sentenced to prison for Class B DWI – BAC > OR = .18 And Death of a Person. Due to not having sufficient information on prior offenses involving BAC between .15 and .18 and death of a person, they are unable to estimate the impact of lowering the threshold of BAC from .18 to .15 for the felony listed above. Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community. Probation sentences will be 5 years. Offenders committed to prison with a class A felony have an average sentence length of 17.1 years and serve, on average, 12.3 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community.

Class B - 5 years probation and parole ineligible (excluding two offenses in prior section)

In FY 2024, 13 offenders were sentenced to probation and 38 offenders were sentenced to prison for Class B DWI offenses not mentioned above. Offenders committed to prison with a class B felony as their most serious sentence, have an average sentence length of 9.0 years and served, on average, 3.4 years in prison prior to first release. The department assumes one third of the remaining sentence length will be served in prison as a parole return, and the rest of the sentence will be served on supervision in the community. For the purposes of determining impact of making this offenses parole ineligible, they assume a probation term of 5 years for those sentenced to originally sentenced to probation and 5.0 years served prior to first release for all offenders.

Class A - 10 years probation and parole ineligible

In FY 2024, no offenders were sentenced to probation or prison for Class A DWI offenses. As a result, no impact is estimated.

Combined Estimated Cumulative Impact

The combined estimated cumulative impact on the department is 266 additional offenders in prison and 81 less offenders on field supervision by FY 2035.

	# to prison	Cost per year	Total Costs for prison	Change in probation & parole officers	Total cost for probation and parole	# to probation & parole	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	29	(\$10,485)	(\$253,387)	0	\$0	(29)	(\$253,387)
Year 2	58	(\$10,485)	(\$620,292)	(1)	\$85,769	(58)	(\$534,523)
Year 3	88	(\$10,485)	(\$959,955)	(1)	\$86,680	(88)	(\$873,275)
Year 4	123	(\$10,485)	(\$1,368,591)	(2)	\$175,203	(113)	(\$1,193,388)
Year 5	160	(\$10,485)	(\$1,815,886)	(2)	\$177,066	(133)	(\$1,638,820)
Year 6	225	(\$10,485)	(2,604,662)	(3)	\$268,431	(160)	(\$2,336,231)
Year 7	251	(\$10,485)	(\$2,963,758)	(2)	\$180,860	(145)	(\$2,782,898)
Year 8	256	(\$10,485)	(\$3,083,253)	(2)	\$182,789	(113)	(\$2,900,464)
Year 9	261	(\$10,485)	(\$3,206,342)	(1)	\$92,370	(81)	(\$3,113,972)
Year 10	266	(\$10,485)	(\$3,333,122)	(1)	\$93,357	(81)	(\$3,239,765)

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DOC.

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

Driver License Bureau

The Department currently requires the installation of an ignition interlock device (IID), for any second or subsequent intoxicated-related enforcement contact (administrative and point accumulation actions) added to a driver's record, as a condition of reinstatement. This includes administrative alcohol suspensions and revocations; chemical refusals; point suspensions, and revocations; as well as any limited or restricted driving privileges granted to these offenders.

This legislation is requiring the department to add the ignition interlock device requirement to any person with a blood alcohol content .15% or more for a first-time offense.

This proposed legislation would require programming to the current Missouri driver license system, internally referred to as FUSION, to evaluate both administrative actions and convictions processed by the department and add the ignition interlock requirement to those actions even if there is not a prior alcohol-related enforcement contact to the drivers' record if the blood alcohol content is .15% or more.

This language is changing requirements for all restricted driving privileges (RDP) to have the ignition interlock installed before the department issues the privilege. Currently, a sixty-day restricted privilege is issued without the ignition interlock requirement for first time offenders and are automatically generated systematically without the driver having to request one from the department. This will add multiple additions to systematic evaluation routines that exist today and require the department to revise all correspondence that is generated to the driver and notices issued roadside by law enforcement.

In FY 2024, the department issued 2,553 sixty-day RDPs for first time offenders.

DOR records indicate that 13,125 records currently require the installation of an ignition interlock device for reinstatement monitoring or to comply with a court order.

In FY 2024, the department received 4,747 administrative alcohol cases that showed a blood alcohol content (BAC) OF .15% or more as a first-time offense.

Passage of this bill will add IID requirements and monitoring to approximately 7,300 additional records.

Ignition interlock manufacturers are required by State code of Regulations, 7 CSR 60-2, to submit all device status' (installs, deinstalls, and failure to maintain) and certification of completion of the monitoring period. The department anticipates an increase in telephone inquiries, correspondence and additional communication required between our office and the ignition interlock manufacturers to ensure the integrity of the data and to meet the current department auditing processes. The department already answers approximately 32,000 calls a year regarding reinstatement requirements. The department anticipates a significant increase in calls due to this proposed language.

The impact to the department is estimating a 50% increase in call volume, the department is requesting one (1) FTE to answer these additional telephone inquiries. If the increase is more significant than anticipated, additional FTE's may be requested through the appropriations process.

Telephone Inquiries

A telephone operator is expected to process 60 telephone inquiries daily.

32,000	Current call volume for reinstatement requirements
x 50%	Percent which will generate telephone inquiries
16,000	Telephone inquiries received per year
/ 252	Workdays per year
63	Telephone inquiries received per day
/ 60	Telephone inquiries processed per day
1.05	1 FTE needed to answer telephone inquiries

Customer Service Representative – Zone 3 (\$3,536/month)

FY2026: \$35,360 (10 months)

FY2027: \$42,432 yearly salary

FY2028: \$42,432 yearly salary

Oversight does not have information to the contrary and therefore, Oversight will reflect the costs for 1 FTE as provided by DOR.

DOR notes, to implement the proposed legislation, the Department will:

- Complete programming and user acceptance testing of FUSION for the new evaluation for ignition interlock requirement for first time offenders based on .15% BAC or higher
- Evaluate conviction routines
- Update interactive applications for automated responses to customers through telephone system (current vendor Genesys) or online (DORA)
- Update the Department website
- Update forms, correspondence and procedures
- Update the Missouri Driver Guide
- Provide training to team members

FY 2026 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$28.75 per hr. = \$37,375

Research/Data Assistant 1300 hrs. @ \$19.29 per hr. = \$25,077

Administrative Manager 1000 hrs. @ \$31.21 per hr. = \$31,210

FY 2026 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$23.04 per hr. = \$ 7,741

Total = **\$101,403**

Oversight assumes DOR will use existing staff and will not hire additional FTE to conduct these activities; therefore, Oversight will not reflect the administrative costs DOR has indicated on the fiscal note. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

FUSION Impact

DOR notes:

Implementation Consultant 300 hrs. @ \$225 per hr. = **\$67,500**

Oversight does not have information to the contrary and therefore, Oversight will reflect the FUSION costs as provided by DOR.

Officials from the **Missouri Highway Patrol, Missouri Department of Transportation, Office of the State Public Defender** and **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a previous version, officials from the **Office of the State Courts Administrator** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
GENERAL REVENUE FUND				
<u>Savings – DOC (\$577.010)</u>				
Personal Service	\$0	\$47,303	\$47,776	\$51,222
Fringe Benefits	\$0	\$34,909	\$35,258	\$37,801
Exp. & Equip.	\$0	\$3,557	\$3,646	\$4,334
<u>Total Savings - DOC</u>	\$0	\$85,769	\$86,680	\$93,357
FTE Change - DOC	0 FTE	(1) FTE	(1) FTE	(1) FTE
<u>Cost – DOC (\$577.010) increase in offenders confined to prison rather than on probation and parole</u>				
	(\$253,387)	(\$620,292)	(\$959,955)	(\$3,333,122)
<u>Cost – DOR</u>				
Personal Service	(\$29,467)	(\$36,067)	(\$36,789)	(\$39,364)
Fringe Benefits	(\$24,970)	(\$30,248)	(\$30,537)	(\$32,675)
Expense and Equipment	(\$3,463)	(\$2,799)	(\$2,855)	(\$3,056)
<u>Total Costs – DOR</u>	(\$57,900)	(\$69,114)	(\$70,181)	(\$75,095)
FTE Change - DOR	1 FTE	1 FTE	1 FTE	1 FTE
<u>Cost – DOR – FUSION costs</u>	(\$67,500)	\$0	\$0	\$0
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND				
	<u>(\$378,787)</u>	<u>(\$603,637)</u>	<u>(\$943,456)</u>	<u>(\$3,314,860)</u>

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
Estimated Net FTE Change on General Revenue	1 FTE	0 FTE	0 FTE	0 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2035)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

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

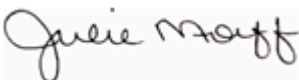
FISCAL DESCRIPTION

This proposal modifies provisions relating to driving while intoxicated.

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

Department of Corrections
Department of Revenue
Missouri Highway Patrol
Missouri Department of Transportation
Office of the State Courts Administrator
Office of the State Public Defender
Missouri Office of Prosecution Services



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February 16, 2025



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February 16, 2025