



**Fiscal Estimate Narratives**  
**DOJ 3/9/2005**

LRB Number <b>05-0167/2</b>	Introduction Number <b>AB-70</b>	Estimate Type <b>Corrected</b>
<b>Subject</b> Safety belts and child safety restraints; creating surcharge and restraint program		

**Assumptions Used in Arriving at Fiscal Estimate**

Current law imposes various surcharges against persons who violate certain laws. Two such surcharges are the crime laboratories and drug law enforcement surcharge, and the penalty surcharge. The crime laboratories and drug law enforcement surcharge is \$7 and the Department of Justice (DOJ) uses that revenue to support the DNA databank, DNA evidence prosecution efforts, crime laboratories, and drug law enforcement efforts. The penalty surcharge is 24% of a fine or forfeiture. DOJ receives 11/24ths of the penalty surcharge and uses the funds to support the law enforcement training fund and crime laboratory equipment.

Currently, when a person violates 347.48 (4) (child safety restraint system) that person must pay the crime laboratories and drug law enforcement surcharge, and the penalty surcharge. Assembly Bill 70 removes 347.48 (4) from the list of violations subject to these two surcharges.

DOJ reports that there were 3,918 convictions for violating 347.48 (4) in 2004. Under AB 70, DOJ would have received \$27,426 (3,918 x \$7) fewer crime laboratories and drug law enforcement surcharge dollars in 2004. The forfeiture for 1st time offense of 347.48 (4) is \$30, which results in a \$7.20 (\$30 x 24%) penalty surcharge. Under AB 70, DOJ also would have received at least \$12,930 (3,918 x \$7.20 x 11/24ths) fewer penalty surcharge dollars in 2004. In total, under AB 70 DOJ would have received at least \$40,356 fewer surcharge dollars in 2004 to support crime lab, law enforcement training and drug law enforcement activities.

It should be noted, a second or subsequent offense of 347.48 (4) within 3 years is a \$50 forfeiture, resulting in a \$12 penalty surcharge. Unfortunately, DOJ is unable to determine what number of the 3,918 convictions are for second or subsequent offenses. For the purposes of this fiscal estimate all convictions were treated as 1st time offenses. If the number of second or subsequent offenses could be determined, this fiscal estimate would reflect an even greater and more accurate loss of revenue for DOJ.

**Long-Range Fiscal Implications**