



## Fiscal Estimate Narratives

DOC 8/3/2015

LRB Number	<b>15-2375/1</b>	Introduction Number	<b>SB-222</b>	Estimate Type	<b>Original</b>
<b>Description</b> Requiring or allowing persons who have committed certain offenses related to drunken driving to acquire an ignition interlock device in order to operate certain motor vehicles and providing a criminal penalty					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, no person may drive or operate a motor vehicle while under the influence of an intoxicant or drug, with a prohibited alcohol concentration, or with a measurable amount of a controlled substance in his or her blood (OWI). A person who does so is subject to penalties that increase, in terms of forfeitures or fines assessed, periods of imprisonment imposed, and periods of time during which the person's privilege to operate a motor vehicle is suspended or revoked, with each subsequent offense.

Current law allows most OWI offenders, after a waiting period that increases with each subsequent OWI offense, to apply for an occupational license that allows the person to operate a motor vehicle for certain limited activities and within certain limited geographic boundaries.

This bill creates a license called an ignition interlock restricted license (IIRL). Under the bill, an IIRL permits a person to operate a motor vehicle only if the motor vehicle is equipped with an Ignition Interlock Device (IID). An IIRL does not impose any geographic limitations, and the person may operate the vehicle for any purpose.

In addition to creating a new license, the bill creates a new offense. Under the bill, a person who operates a vehicle that is not equipped with an IID, in violation of his or her restricted operating privilege, may be fined not less than \$500 nor more than \$1,200, or may be imprisoned for not more than six months, or both for the first offense. For a second or subsequent conviction, the person may be fined not less than \$600 nor more than \$2,000, or imprisoned for not more than six months, or both. In addition, the person's operating privilege is restricted for an additional six months for each violation.

It is not possible to determine the fiscal impact to the Department of Corrections because the proposed bill would create a new population of offenders and no data exists to estimate how many individuals would be convicted of this crime and be placed under the DOC's supervision in the community. Persons sentenced to less than one year of imprisonment serve that sentence in a county jail and not a state prison.

State costs could change if an increased or decreased number of offenders are convicted of this crime and placed on probation. If there is a large increase in the number of offenders placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY14 annual cost to supervise one offender is approximately \$2,800.

The local fiscal impact of the bill cannot be predicted because the Department of Corrections cannot predict the number of people that will be sentenced and the sentencing practices of judges under the new law.

### Long-Range Fiscal Implications