

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-3806/1	Introduction Number SB-380	
Description certain uses of interactive electronic devices while driving and providing a criminal penalty		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

DOC 8/4/2017

LRB Number	17-3806/1	Introduction Number	SB-380	Estimate Type	Original
Description certain uses of interactive electronic devices while driving and providing a criminal penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits, with certain exceptions, any person from using an interactive electronic device to enter, transmit, or access data while driving. Current law prohibits inattentive driving of a motor vehicle, which includes 1) being engaged or occupied with an activity, other than driving the vehicle, that interferes with the person's ability to drive the vehicle safely; 2) driving a motor vehicle while composing or sending a text message or an e-mail message; 3) a probationary license or instructional permit holder driving a motor vehicle while using a wireless telephone; 4) driving a motor vehicle while using a wireless telephone in a highway construction zone; and 5) driving a motor vehicle while operating or being in a position to directly view an electronic device that provides visual entertainment. Any person convicted of the first two forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$400, and any person convicted of the latter three forms of inattentive driving may be required to forfeit not less than \$20 nor more than \$40 for a first offense and not less than \$50 nor more than \$100 for a second or subsequent offense within one year.

This bill expands the prohibition on composing or sending a text message while driving to prohibit the use of an interactive electronic device to enter, transmit, or access data, other than for purposes of verbal communication or reporting an emergency, while driving. The bill also increases the penalty for a violation of this provision to a forfeiture of not less than \$100 nor more than \$400. Also, a person who violates this provision and causes the death of another person in the course of the violation is guilty of homicide by negligent operation of a vehicle, a Class G felony. The penalty for a Class G felony is a fine not to exceed \$25,000 or imprisonment not to exceed ten years, or both.

This bill creates a new crime; it is unknown how many individuals would be convicted of this new crime. The Department of Corrections has no information to predict the fiscal impact of this bill.

State costs could change if an increased or decreased number of offenders are convicted of this crime, sentenced to prison or placed on probation. The average FY16 annual cost to supervise one offender is approximately \$3,000. The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,700 based on FY16 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

Long-Range Fiscal Implications