

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 4272-08
BILL NO.: HCS for SS # 2 for SCS for SB's 934, 546, 578, 579 & 782
SUBJECT: Motor Vehicle; Crimes and Punishments; Alcohol
TYPE: Original
DATE: May 3, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

Numbers within parentheses: () indicate costs or losses
 This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Public Safety - Missouri State Highway Patrol, Water Patrol, Division of Highway Safety** and **Office of Prosecution Services** assume this proposal would have no fiscal impact to their agencies. In response to previous versions of this proposal, officials of the **Office of the Attorney General** assumed this proposal would have no fiscal impact to their agency.

Officials of the **State Public Defender (SPD)** assume that existing staff could provide representation for those 50 - 75 cases arising where indigent persons were charged with "driving while intoxicated at .08%". However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing the indigent accused. Appropriations are typically requested through the increased trial division caseload decision item in the SPD's Legislative Budget Request.

Officials from the **Department of Revenue (DOR)** assumes this proposal amends the crime of driving with excessive blood alcohol content so that it requires only a .08% BAC level. This proposal also makes any conviction of driving with excessive blood alcohol content, regardless if it is a second, third, or subsequent offense, a class C misdemeanor. DOR estimates a minimal number of convictions and reinstatements based on the reduction of the BAC level for excessive blood alcohol content. The convictions can be processed with existing resources and any cooresponding reinstatement fees would also be minimal. Therefore, DOR assumes a zero fiscal impact.

Officials of the **State Courts Administrator (CTS)** stated the proposed legislation would tighten the standard for presuming driving while intoxicated by changing the blood alcohol standard from 0.1 to .08 and make first and subsequent convictions a class C misdemeanor. CTS assumes this proposal would have minimal impact on the budget of the judiciary.

Officials of the **Missouri Department of Transportation (MoDOT)** stated the proposal would set the crime of driving with excessive blood-alcohol content if the person is operating a motor vehicle with .08 blood alcohol content (BAC). The proposal would have no fiscal impact on MoDOT. However, the bill will not comply with two of the six federal requirements established by National Highway Traffic Safety Administration to make the state eligible for additional federal funding. This funding would be eligible for any program under Title 23 of the United States Code, including highway safety programs and construction projects.

ASSUMPTION (continued)

Officials of the **Department of Corrections (DOC)** assume this proposal would not fiscally or administratively impact their agency since driving with excessive blood alcohol content would be a class C misdemeanor, regardless of the number of previous convictions. DOC assumes costs would be incurred by local jails.

Oversight assumes this proposal could result in increased jail time and therefore has ranged the costs to local government from \$0 to (unknown).

Oversight notes that under the terms of this proposal all excessive blood alcohol content convictions would be class C misdemeanors; however provisions of section 577.023 relating to prior and persistent offenders would remain in effect.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
---	---------------------	---------	---------

LOCAL

Cost - Local Jails

Increased jail time	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
---------------------	---------------------	---------------------	---------------------

**ESTIMATED NET EFFECT ON
 LOCAL FUNDS**

<u>\$0 to</u>	<u>\$0 to</u>	<u>\$0 to</u>
<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

L.R. NO. 4272-08
BILL NO. HCS for SS # 2 for SCS for SB's 934, 546, 578, 579 & 782
PAGE 4 OF 4
May 3, 2000

DESCRIPTION

This proposal reduces the number of sections changed or introduced from ten to one. This substitute changes the crime of driving with excessive blood alcohol content by lowering the percentage of alcohol permissible in the driver's blood from .10 to .08 and makes first and subsequent convictions for excessive blood alcohol content a class C misdemeanor.

Portions of this legislation are federally mandated under the Transportation Equity Act for the 21st Century Restoration Act which requires states to enact Repeat Intoxicated Drivers Laws. It would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Revenue
Department of Public Safety
- Missouri State Highway Patrol
- Missouri Water Patrol
- Division of Highway Safety
Missouri Department of Transportation
State Courts Administrator
Office of the Attorney General
Office of Prosecution Services
State Public Defender



Jeanne Jarrett, CPA
Director
May 3, 2000