

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7301

BILL NUMBER: HB 1346

DATE PREPARED: Jan 10, 2000

BILL AMENDED:

SUBJECT: Toxicology training fee.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a court to impose a Toxicology Training Fee when the court defers a conviction for a misdemeanor under the driving while intoxicated laws. It dedicates the use of the fee to training programs for law enforcement officers being certified or recertified as breath test operators. It eliminates the Deferred Prosecution Fee for deferred prosecutions in which a Toxicology Training Fee is imposed. It makes a continuing appropriation.

Effective Date: July 1, 2000.

Explanation of State Expenditures:

Explanation of State Revenues: The amount of revenue that would be available for the Toxicology Training Fee is currently not known. Prosecuting attorneys reportedly defer a small minority of drunk driving cases through the Deferred Prosecution Fund (see Local Revenues). If 10% or fewer cases are deferred, then the fund could receive as much as \$356,000 based on revenues reported for CY 1998.

Explanation of Local Expenditures:

Explanation of Local Revenues: Under current law, the prosecuting attorney may withhold prosecution of a person charged with a misdemeanor if the person agrees to conditions of a pre-trial diversion program offered by the prosecutor. The accused persons are charged \$50 as an initial fee and \$10 for each month they remain in the program. This bill would result in a revenue loss to the programs that are funded by these fees. The Indiana Judicial Report notes that \$3.56 M was collected in Prosecutorial Pretrial Diversion Fees. As an example, if 10% of this fee revenue is deposited into the Toxicology Training Fee, a revenue loss of \$356,000 would occur. The percentage of drunk driving cases that are diverted under this program is not known.

State Agencies Affected: Department of Toxicology, Indiana University School of Medicine.

Local Agencies Affected: Prosecuting Attorneys.

Information Sources: Steve Johnson, Indiana Prosecuting Attorneys Council; 1998 Indiana Judicial Report.