

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6206

BILL NUMBER: HB 1232

NOTE PREPARED: Feb 27, 2003

BILL AMENDED: Feb 27, 2003

SUBJECT: Driver's Licenses and Suspensions.

FIRST AUTHOR: Rep. Duncan

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill: (1) provides that if a person has been convicted twice in a five year period of operating a vehicle or a motorboat while intoxicated and if the court grants probationary driving privileges, the person must use an ignition interlock device (device); (2) makes it a Class B infraction if a person fails to equip each vehicle owned or leased by the person with a device within ten days after an order by the court; and (3) makes it a Class B misdemeanor if a person tampers with a device under certain circumstances.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) *Part 1*, will have no fiscal impact.

Explanation of State Revenues: *Parts 2 and 3 Penalty Provisions:* This proposal provides for both a Class B misdemeanor and a Class B infraction.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. The maximum judgment for a Class B infraction is \$1,000, which is deposited in the state General Fund.

If the case is filed in a circuit, superior, or county court, 70% of the court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered for a misdemeanor, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the court fee that is assessed in a court of record. (The court fee is \$120 for misdemeanor cases and \$70 for infractions.) Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Bureau of Motor Vehicles.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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