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FISCAL IMPACT STATEMENT

LS 7489
BILL NUMBER: HB 1617

NOTE PREPARED: Feb 26, 2007
BILL AMENDED: Feb 23, 2007

SUBJECT: Ignition Interlock Device and Sales Tax.

FIRST AUTHOR: Rep. Orentlicher
FIRST SPONSOR: Sen. Kruse

BILL STATUS: As Passed House

FUNDS AFFECTED: X **GENERAL** **IMPACT:** State & Local
 X **DEDICATED**
FEDERAL

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It establishes the Ignition Interlock Fund.
- B. It provides that a court order granting probationary driving privileges to certain persons must prohibit the person from operating a motor vehicle unless the vehicle is equipped with an ignition interlock device.
- C. It reestablishes the Sentencing Policy Study Committee to evaluate sentencing laws and policies for an additional four years. It requires the committee to evaluate the current statutes regarding ignition interlock devices and other alternative technologies. It requires the Committee to propose legislation if necessary.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Ignition Interlock Fund* – There is no appropriation in the bill to fund the Ignition Interlock Fund. The fund would be used to provide local governmental entities with funds to assist with administering an ignition interlock program for indigent persons. Depending on existing resources, the Criminal Justice Institute may need additional staff to administer this new fund.

(Revised) *Sentencing Policy Study Committee* – This bill reestablishes a 20-member study committee consisting of eight legislators, the Chief Justice of the Indiana Supreme Court or designee, four trial court judges, three lay members, and four state employees. The committee is to operate under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$16,500 per interim for committees with 16 members or more. The Committee would receive staff assistance from the Criminal Justice Institute.

Background Information: This committee would be charged with the following:

1. Evaluate the existing classification of criminal offenses into felony and misdemeanor categories.
2. Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest.
3. Review community corrections and home detention programs to standardize procedures and establish rules to supervise home detainees; and establish procedures to supervise home detainees by community corrections programs of adjoining counties.
4. Determine the long-range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.
5. Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.
6. Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.
7. Recommend a comprehensive community corrections strategy.
8. Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.
9. Evaluate the use of faith-based organizations as an alternative to incarceration. Study issues related to sex offenders, including: lifetime parole; GPS or other electronic monitoring; a classification system for sex offenders; recidivism; and treatment.
10. Evaluate the current statutes concerning ignition interlock devices and study issues related to ignition interlock devices and other alternative technologies, such as secured continuous remote alcohol monitors, that a court may order as a condition to drive for a person convicted of operating a vehicle while intoxicated.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could increase local administrative expenditures related to court orders for use of ignition interlock devices. The amount of any increase in expenditures will ultimately be determined by the administrative actions of the courts, but could be offset by distributions from the Ignition Interlock Fund established in this bill.

(Revised) *Background on Ignition Interlock Devices* – Counties do not incur any additional cost when a court orders a person convicted of OWI to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car typically pay for the entire costs of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. *Indigent persons are not required to pay the entire fee.*

Under current law, unless a person has no prior OWI offenses, courts are required to suspend a person's driving privileges and order the use of an ignition interlock device as a condition of probationary driving privileges. As proposed, unless OWI offenders are convicted of a first-time offense or have not had a prior OWI offense in the previous ten years, any time the sentencing court grants probationary driving privileges to an offender who has a prior OWI and is involved in a motor vehicle accident or operating a vehicle with a BAC of 0.15 or more, the court must order that probationary driving privileges include either the installation of an ignition interlock device for or participation in an alcohol treatment program in which the

drug disulfiram or similar substance is administered. The following table shows the current provisions in statute and what is proposed by this bill.

Prior History	Current Law		Proposed
	Length of Suspended License	Ignition Interlock or Disulfiram Required?	If Probation Is Granted for Driving Privileges
No Prior and No Refusal to Take Chemical Test	90 to 180 Days	No	Discretionary use of ignition interlock; Court must set forth reasons for not ordering ignition interlock
Prior in over 10 Years and No Refusal to Take Chemical Test	90 to 180 Days	Yes	Mandatory use of ignition interlock or use of disulfiram as part of supervised alcohol treatment program.
No Prior or Prior in over 10 Years Refusal to Take Chemical Test	90 Days to 2 years	Yes	
Prior OWI between 5 and 10 years	180 days to 2 years	Yes	
Prior OWI within past 5 years	1 to 2 years	Yes	

Counties with a large volume of OWI cases and needing additional court officers could need additional staff to issue orders about why installing an ignition interlock system is not appropriate.

The Bureau of Motor Vehicles reports the number of drivers with suspended licenses for OWI-related offenses below.

New License Suspensions by Calendar Year						
	2000	2001	2002	2003	2004	2005
OWI per se	2,459	3,048	4,617	4,885	5,017	4,717
OWI	13,332	12,499	13,024	12,137	11,718	11,539
OWI/ Unspecified	16	11	17	7	6	5
Prior OWI/5 Yrs	4,006	3,772	3,799	4,328	4,233	3,971
OWI Causing Injury	67	64	75	76	87	86
OWI Causing Death	27	21	22	30	29	36
Total OWI-Related Suspensions	19,907	19,415	21,554	21,463	21,090	20,354

Ignition interlock systems appear to be used sparingly by courts in Indiana. This is reported to be due in part to the limited number of service providers available in some counties and because some judges believe that the fee amounts are too expensive for some defendants.

In an informal survey, Criminal Justice Institute staff reported that the following courts order ignition interlock for OWI offenders:

- Porter Superior Court # 4
- Clark Superior Court # 3
- Jefferson City Court

- Tippecanoe Superior Court #6

Explanation of Local Revenues: Local governmental entities will see an increase in revenues to the extent that an entity receives a distribution from the Ignition Interlock Fund for administrative costs associated with court orders for use of ignition interlock devices.

State Agencies Affected: Department of State Revenue; Criminal Justice Institute.

Local Agencies Affected: Courts with OWI jurisdiction.

Information Sources: Criminal Justice Institute.

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