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**FISCAL IMPACT STATEMENT**

**LS 6824**

**BILL NUMBER: SB 274**

**NOTE PREPARED: Jan 3, 2009**

**BILL AMENDED:**

**SUBJECT:** Ignition Interlock Devices.

**FIRST AUTHOR:** Sen. Head

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires a court to prohibit a person convicted of operating while intoxicated from operating a motor vehicle for at least 90 days if the vehicle is not equipped with an ignition interlock device.
- B. It makes conforming amendments and repeals superseded provisions.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Minimal Costs to Counties* – Counties do not incur any additional cost when a court orders a person convicted of operating a vehicle while intoxicated to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car pay 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. While current law does not require indigent persons convicted of OWI to pay to have an ignition interlock device installed, courts are not required to pay the cost of installing and maintaining an ignition interlock device, either.

Under current law, courts can suspend a person's driving privileges or order the use of an ignition interlock device as a condition of probationary driving privileges if the person did not refuse the test and has no prior

OWI convictions within the previous ten years. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period. (IC 9-30-5-16) A court may substitute an alcohol treatment program using disulfiram or a similar substance in lieu of installing ignition interlock devices in the vehicles of drivers.

As proposed, any time the sentencing court grants probationary driving privileges, the court must order that an ignition interlock device be installed in a first-time offender’s car for at least 90 days. In addition, a court may *not* substitute an alcohol treatment program using disulfiram or a similar substance in lieu of installing ignition interlock devices in the vehicles of drivers with prior OWIs if the prior OWI occurred more than five years prior to the current conviction. (Disulfiram is described below).

Based on the number of suspensions of persons convicted of OWI with no prior OWI offenses, 17,000 to 20,000 new persons could be ordered to have an ignition interlock device installed in the car they are driving if they wish to retain their driving privileges.

New License Suspensions by Calendar Year of Persons with No Prior OWI Offenses				
2003	2004	2005	2006	2007
17,029	16,741	16,261	14,396	20,048

As an illustration, LSA estimates that in 2007, 5,645 OWI offenders could be indigent based on the percentage of misdemeanants who qualified for pauper attorney services in 2007 (55,133 pauper cases ÷ 195,360 cases disposed = 28% x 20,000 = 5,645). While counties would not be obligated to pay for the costs of installing and operating these ignition interlock devices, the added costs could range between \$1.4 M and \$2.6 M if counties actually paid for these costs.

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

- Warrick County
- Dearborn County
- Saint Joseph County
- Tippecanoe County
- Porter County
- Clark County

*Use of Disulfiram* – Disulfiram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfiram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfiram as part of an alcohol treatment program.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts with OWI jurisdiction.

**Information Sources:** Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute; Jennifer Wagner, Indiana Judicial Center; *2007 Indiana Judicial Report*

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