

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

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6785

BILL NUMBER: SB 431

NOTE PREPARED: Apr 7, 2011

BILL AMENDED: Apr 7, 2011

SUBJECT: Department of Toxicology.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Foley

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill creates the Department of Toxicology as a state agency. (Currently, the Department of Toxicology is part of Indiana University.) It makes conforming changes. The bill creates the Toxicology Department Advisory Council. The bill also repeals the law pertaining to the Department of Toxicology that is part of Indiana University.

Effective Date: Upon passage; July 1, 2011.

Explanation of State Expenditures: The bill could impact expenses in the short term, depending on how the transfer from Indiana University to the state is done. Currently the Department does not pay rent to Indiana University. The expenditures by the Department are for personnel, supplies, equipment, and travel. The bill transfers the appropriation, property, and obligation to the new state department. The impact on expenses should be minor if there are moving costs if the Department is relocated.

The duties for the new Department would be:

1. Provide instruction in toxicology as required by law for the administration of breath and other chemical tests.
2. Provide instruction and technical assistance to prosecutors and defense counsel for the proper administration or exclusion of test results as evidence.
3. Provide instruction to judges concerning toxicology and the science of alcohol and drug testing as needed.
4. Provide information to the public concerning chemical testing and the science of toxicology.

Background: Established in 1957 within the Indiana University School of Medicine, the Indiana State Department of Toxicology provides science-based support for the impaired and dangerous driving program and other criminal justice efforts for the State of Indiana. The Department of Toxicology inspects and certifies all evidentiary breath test instruments in the state and certifies every breath test operator in Indiana. The Department also conducts drug and alcohol screening and confirmatory tests for law enforcement agencies and prosecutors in criminal and other cases.

The Department currently has 17 employees (six in the administrative staff, three inspectors, and eight laboratory technicians).

The Department of Toxicology spent about \$2.5 M in FY 2010. Approximately \$1.5 M was spent on personnel services, \$571,000 on materials and supplies, \$285,000 on equipment, and \$15,000 on travel. The Commission for Higher Education recommended a budget of about \$2 M for the Department for FY 2012 and 2013.

(Revised) The bill creates the Toxicology Department Advisory Council to provide oversight and guidance for the development of the department. The Council would consist of the following members:

1. The Governor or the Governor's designee.
2. The Executive Director of the Indiana Justice Center or their designee.
3. The Executive Director of the Indiana Prosecuting Attorneys Council or their designee.
4. The Executive Director of the Public Defender Council or their designee.
5. The Superintendent of State Police or their designee.
6. A member of the Indiana Senate.
7. A member of the Indiana House of Representatives.
8. Two members appointed by the Governor:
 - a. A sheriff
 - b. A chief of police
9. A member appointed by the Governor who has training and experience as a forensic scientist.
10. A member appointed by the Governor who has experience in the issue of impaired driving.

The persons appointed in 1-8 above should also serve on the board of trustees for the Criminal Justice Institute.

The members, except for the legislative members, are not eligible for salary per diem or travel expenses. The legislators' per diem and travel expenses would be paid from the Legislative Services Agency budget.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Toxicology, Indiana University.

Local Agencies Affected:

Information Sources: Indian State Department of Toxicology, <http://isdt.iusm.iu.edu/>, Higher Education Commission budget recommendations.

Fiscal Analyst: Chuck Mayfield, 317-232-4825