

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

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FISCAL IMPACT STATEMENT

LS 6256

BILL NUMBER: SB 94

NOTE PREPARED: Nov 29, 2011

BILL AMENDED:

SUBJECT: Defines "Public Intoxication".

FIRST AUTHOR: Sen. Lanane

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person may not be convicted of certain offenses relating to alcohol intoxication unless the person: (1) endangers the person's life or health; (2) endangers the life or health of another person; or (3) breaches the peace. It makes it a Class B misdemeanor for a person to be intoxicated in public due to the person's use of a controlled substance, unless the person consumed the controlled substance under a valid prescription.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: There are no data available to indicate how many fewer offenders may be convicted of public intoxication, a Class B misdemeanor, if additional elements are added to the two crimes described in the bill.

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

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and

the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: Fewer offenders may be incarcerated in a local jail. 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 fewer court actions occur and fewer guilty verdicts are entered, local governments would not receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. 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. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

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

Information Sources:

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