



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 469 of the 130th G.A.
(LSC 130 1733-1)

Date: June 3, 2014

Status: In House Judiciary

Sponsor: Reps. Johnson and Scherer

Local Impact Statement Procedure Required: Yes

Contents: Ignition interlock devices for certain OVI offenders

State Fiscal Highlights

STATE FUND

FY 2015 – FUTURE YEARS

State Highway Safety Fund (Fund 7036)

Revenues	Potential annual increase of up to between \$50,000 and \$100,000
Expenditures	Potential annual increase, up to available revenue

Note: The state fiscal year is July 1 through June 30. For example, FY 2015 is July 1, 2014 – June 30, 2015.

- **Court costs.** When granting restored driving privileges requiring the installation of an ignition interlock device (IID), courts must impose an additional court cost of \$2.50 on the offender, which is credited of the State Highway Safety Fund (Fund 0360), and used by the Department of Public Safety to pay the costs associated with operating and maintaining the Ohio habitual OVI offender registry. Additional revenue could run up to between \$50,000 and \$100,000 annually.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2014 – FUTURE YEARS

County and Municipal Indigent Drivers Interlock and Alcohol Monitoring Funds

Revenues	- 0 -
Expenditures	Potential annual increase, uncertain if available cash balances will support demand

County and Municipal Indigent Drivers Alcohol Treatment Funds

Revenues	- 0 -
Expenditures	Potential annual increase, uncertain if available cash balances will support demand

County and Municipal Court Special Projects Funds

Revenues	Potential gain of up to between \$50,000 and \$100,000 annually statewide
Expenditures	Potential annual increase, up to available revenue

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **County and municipal indigent driver interlock and alcohol monitoring funds.** The bill will result in an increase in expenditures from local indigent drivers interlock and alcohol monitoring interlock funds, as some number of offenders required to install IIDs will be judged by the court to be indigent. Whether the available cash balance in any given one of these local funds will be sufficient to cover the likely demand increase is uncertain.
- **County and municipal indigent driver alcohol treatment funds.** The bill will likely result in an increase in the expenditures from local indigent drivers alcohol treatment funds, as some number of offenders who have been granted restored driving privileges will be caught attempting to tamper with or circumvent the IID, required to submit to remote continuous monitoring, and determined to be indigent and unable to pay for the monitoring costs. Whether the available cash balance in any given one of these local funds will be sufficient to cover the likely demand increase to pay for the costs of indigent offenders is uncertain.
- **County and municipal court special projects funds.** The bill authorizes the court to impose on a first-time OVI offender an additional court cost of \$2.50, which is deposited in the court's special projects fund. Revenue collected in these special projects funds could be used to help defray additional expenses related to IIDs and continuous alcohol monitoring for indigent OVI offenders that might be incurred by the court. Additional revenue could run up to between \$50,000 and \$100,000 statewide annually.

Detailed Fiscal Analysis

Under current law, a first-time OVI (operating a vehicle while impaired) offender faces a driver's license suspension of between six months to three years in duration. After the initial 15 days of that suspension, that offender may petition the court to be granted limited driving privileges, and the court, upon granting such privileges, has the option of requiring the installation of an ignition interlock device (IID) in the vehicle to be driven by the offender. The bill authorizes a court to grant the restoration of full driving privileges during the period of the license suspension, but if so granted, requires the installation of an IID in the offender's vehicle. The bill also expands the circumstances in which a court may require an offender with multiple OVI convictions to install an IID on any vehicle they are granted privileges to drive during the period of license suspension.

The bill also permits any person who refuses to submit to an alcohol-related chemical test to petition the court for authority to drive with an IID installed on their vehicle under the conditions of their administrative license suspension. Additionally, in cases in which an offender who is charged with OVI pleads guilty to certain reduced charges, in addition to any other sentence imposed by the court, the offender may be required to drive with an IID installed on their vehicle for any period of time in which their license could have been suspended under the original OVI charge.

The bill will not increase or decrease the number of offenders charged with or convicted of a first-time OVI offense, or other alcohol-related offenses. It only has an impact on the sanctions imposed on offenders convicted of a specified offense. Data obtained from the Department of Public Safety's Bureau of Motor Vehicles indicates that between 2008 and 2012 there were, on average, about 25,000 first-time OVI convictions statewide each year.

Arguably, as a direct result of the bill, some percentage of these specified alcohol related offenders will, because of work and/or other commitments/needs, petition a court for the reinstatement of their driving privileges. As the bill requires the installation of IIDs as a condition of being granted driving privileges and it seems reasonable to assume a court will generally be favorably disposed towards granting such privileges, there will be some overall increase in the number of IIDs installed statewide.

State fiscal effects

Court cost revenues

The bill requires a court, when granting a request for restoration of driving privileges, and ordering the installation of an IID, to impose an additional court cost of \$2.50 on the offender. The court may not waive this additional court cost unless it determines the offender is indigent. The additional court cost will be forwarded to the

state treasury for deposit to the credit of the State Highway Safety Fund (Fund 7036), to be used by the Department of Public Safety to pay the costs associated with operating and maintaining Ohio's habitual OVI/OMWI offender registry. As a result, Fund 7036 potentially gains tens of thousands of dollars annually. If, for example, 20,000 of those first-time offenders were granted driving privileges during their license suspensions, and half of these paid the additional court cost, the revenue gain to Fund 7036 would be \$25,000 (10,000 offenders x \$2.50) each year. If all convicted OVI offenders, as specified in the bill, paid the additional court cost, the additional revenue could run up to between \$50,000 and \$100,000 each year depending on the number of offenders in any given year.

Local fiscal effects

Ignition interlock device expenses

The bill is likely to result in an increase in the number of OVI and other alcohol-related offenders being granted driving privileges by the courts. These offenders will be required to have an IID installed on the appropriate vehicle(s) as a condition of the restoration of their driving privileges. Under current law, such an offender is required to pay the cost of installation, monitoring, and maintenance of the IID. Information obtained from manufacturers, as well as other states requiring the use of IIDs, indicates that the related costs are as follows: a one-time \$70 to \$150 for the installation, and \$60 to \$90 monthly for monitoring, maintenance, and calibration.

When the court determines, however, that an OVI offender is indigent, then these IID-related costs would likely be paid from the appropriate county or municipal indigent drivers interlock and alcohol monitoring fund. These local funds consist of a designated portion of driver's license reinstatement fees that are collected and forwarded to the state treasury and deposited to the credit of the Indigent Drivers Interlock and Alcohol Monitoring Fund (Fund 5FF0), which is administered by the Department of Public Safety.

The bill will result in an increase in expenditures from these local indigent drivers interlock and alcohol monitoring interlock funds, as some number of offenders required to install IIDs will be judged by the court to be indigent. Whether the available cash balance in any given one of these local funds will be sufficient to cover the likely demand increase is uncertain.

Continuous alcohol monitoring expenses

The bill prohibits any offender who is granted the authority to drive with an IID installed in their vehicle from driving any vehicle not equipped with an IID and from circumventing or tampering with the device. If an offender violates one of these prohibitions, the court may require the person to wear a monitor that provides remote continuous alcohol monitoring. On a subsequent offense, the court is required to impose remote continuous alcohol monitoring for either 40 or 60 days.

The offender is responsible for paying the cost of remote continuous alcohol monitoring, which involves a one-time equipment cost of somewhere between \$50 and \$100, plus \$10 to \$12 per day for the cost of remote monitoring. When the court determines an offender is indigent, then the cost of the monitoring would likely be paid from the appropriate county or municipal indigent drivers alcohol treatment fund. These funds receive revenue from a designated portion of OVI fines and driver's license reinstatement fees which are collected and forwarded to the state treasury and deposited to the credit of the Indigent Drivers Alcohol Treatment Fund (Fund 7490). These state moneys are then redistributed by the Department of Mental Health and Addiction Services to local indigent drivers alcohol treatment funds which are used by the court to pay the cost of alcohol treatment, as well as remote continuous alcohol monitoring, for indigent offenders.

The bill will likely result in an increase in the expenditures from these local indigent drivers alcohol treatment funds, as some number of offenders who have been granted restored driving privileges will be caught attempting to tamper with or circumvent the IID. Whether the available cash balance in any given one of these local funds will be sufficient to cover the likely demand increase is uncertain.

Court cost revenues

The bill authorizes, but does not require, the court to impose on specified OVI offenders a second additional court cost of \$2.50, which is deposited in the court's special projects fund. Under current law, unchanged by the bill, the moneys in this fund can be used to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Presumably, any revenues collected in this special projects fund could be used to help defray additional expenses, such as those involving expenses related to IIDs and continuous alcohol monitoring for indigent OVI offenders that might be incurred by the court. Additional statewide revenue could run up to between \$50,000 and \$100,000 annually depending on the number of first-time OVI convictions.

Synopsis of Fiscal Effect Changes

LSC 130 1733-1 will likely result in an increased number of persons convicted of specified alcohol-related offenses being required to have their vehicles fitted with IIDs as a condition of the courts granting driving privileges during periods of license suspensions. Certain court cost revenues collected if IIDs are mandated by the courts will increase accordingly, although the precise amount of any such increases are uncertain. The substitute bill will also increase expenditures from local indigent drivers alcohol treatment funds to cover the cost of additional indigent persons who cannot afford to pay the costs of the interlock and alcohol monitoring devices.

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