

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number HB924

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Watts

3. Committee H. Courts of Justice

4. Title Refusal of blood or breath test.

5. Summary/Purpose:

Allows as evidence or commenting in court that a defendant charged with driving under the influence refused to take a blood or breath test. The bill also allows the defendant's refusal of a blood or breath test to be admissible into evidence if deemed relevant by the court.

6. Fiscal Impact : Not available (see #8 below).

7. Budget amendment necessary: No.

8. Fiscal implications:

There is not enough information available to reliably estimate how many additional inmates could result from this proposal. However, by allowing the defendant's refusal of a blood or breath test to be admissible into evidence, more Class 1 misdemeanors or Class 6 felony convictions may result. For someone convicted of a Class 1 misdemeanor or Class 6 felony, a judge has the option of sentencing the person to time in jail or state prison. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant held in jail and \$14.00 a day for each state responsible inmate. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averages \$30.54 per inmate, per day. It is estimated that there will be more convictions of misdemeanors than felonies. However, for someone convicted of a Class 6 felony, a judge has the option of sentencing the person up to one year in jail, or one to five years in prison. Annual prison costs per inmate are presently \$22,155.

9. Specific agency or political subdivisions affected: The court system, the Compensation Board, and the Department of Corrections.

10. Technical amendment necessary: No.

11. Other comments: See SB 316.

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cc: Secretary of Public Safety

