

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB1149

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

2. Patron Stolle

3. Committee Courts of Justice

4. Title Hunting while intoxicated.

5. Summary/Purpose:

Establishes a blood alcohol concentration level of 0.02 or greater at which it is unlawful to hunt with a firearm, bow and arrow, or crossbow. The bill includes an implied consent provision and the related testing procedures which parallel those of the driving under the influence and boating under the influence statutes. The bill also increases the penalty for hunting while intoxicated from a Class 2 to a Class 1 misdemeanor.

6. Fiscal Impact Estimates are: Preliminary. See item 8, below.

7. Budget amendment necessary: No.

8. Fiscal implications:

The bill increases the penalty for hunting while intoxicated from a Class 2 misdemeanor to a Class 1 misdemeanor. The punishment for a Class 1 misdemeanor is confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. 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's most recent Jail Cost Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003. Revenue generated from such fines is deposited to the Literary Fund. Any revenue impact will depend on the number of convictions.

Any expenditure impact to the court system will be dependent on the number of hearings. Any impact the legislation may have on jail inmate population is unknown. According to the Department of Game and Inland Fisheries, the proposed legislation will not have a fiscal impact on that agency.

9. Specific agency or political subdivisions affected: Department of Game and Inland Fisheries, the court system, and local jails.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/14/05/tmw

Document: G:\2005 Session\Legislation\Sb1149E.Doc

cc: Secretary of Natural Resources
Secretary of Administration