

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number SB909

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 Obenshain

3. Committee Courts of Justice

4. Title Reckless driving; violation of right-of-way resulting in death of another.

5. Summary/Purpose: Provides that a person is guilty of reckless driving if he violates the right-of-way of any motor vehicle causing the death of another. The court must sentence the driver to 90 days in jail and suspend his driver's license for not less than six months or more than three years, although the court may suspend the penalties if the person completes 24 or more hours of community service.

6. Fiscal Impact Estimates are: PRELIMINARY; See Item 8.

7. Budget amendment necessary: Yes. Item 59.

8. Fiscal implications: The fiscal impact resulting from the proposed legislation cannot be easily determined since the proposal permits the court to suspend penalties under certain circumstances. However, using 2005 data the Department of State Police identified 83 incidents that met this proposal's requirements which could have resulted in 7,470 jail bed-days.

Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor 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 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

If the total potential cost to the Commonwealth of \$28.35 per inmate, per day is used, then the potential cost for this legislation is \$211,774. If it is assumed that just the variable costs should be covered, using the state per diem payment to local jails of \$8 per day, the cost drops to \$59,760.

9. Specific agency or political subdivisions affected: Law enforcement agencies and courts statewide.

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Public Safety