

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number HB 1442

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron S. Iaquinto

3. Committee House Courts of Justice

4. Title Requires Ignition Interlock Devices Following a DUI and Increase
 Administrative Fee from \$20 to \$75

5. Summary/Purpose: This legislation requires the implementation of ignition interlock for any restricted driver's license issued within the context of a DUI matter. The bill also raises the administrative fee from \$20 to \$75. The bill also provides that the cost of the interlock is to be paid from the criminal fund if the person is indigent. Finally, it provides that the person with such restrictions is prohibited from driving a school bus, a school vehicle, or a passenger vehicle that carries more than 15 people.

6. Fiscal Impact Estimates: Preliminary

6a. Expenditure Impact: See Item 8

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2008-09	\$5,017,500		General
2009-10	\$5,017,500		General
2010-11	\$5,017,500		General
2011-12	\$5,017,500		General
2012-13	\$5,017,500		General
2013-14	\$5,017,500		General

6b. Revenue Impact: See Item 8

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2008-09	\$990,000		General
2009-10	\$990,000		General
2010-11	\$990,000		General
2011-12	\$990,000		General
2012-13	\$990,000		General
2013-14	\$990,000		General

7. Budget amendment necessary: Yes, Item 40

8. Fiscal implications: According to the Supreme Court of Virginia, the fiscal impact on the court system from the provision on lines 60-61 of the bill providing that "If [the defendant] is

indigent and unable to pay the cost of the ignition interlock system, the payment therefore shall be made from the Criminal Fund”, could be significant.

The most recent court data available shows its reasonable to expect nearly 30,000 DUI convictions on an annual basis (24,049 first time convictions and 5,373 second and subsequent conviction). The courts do not track the number of restricted driver’s licenses issued pursuant to those convictions, although anecdotal evidence suggests that a significant majority of those eligible for a restricted license request one. Discounting for the more serious DUI offenders who are not eligible for a restricted license or who do not become eligible immediately, those whose request is denied and those who do not seek one, the courts have conservatively assumed that 75 percent of those convictions will result in restricted driver’s license (22,500 restricted licenses) which, in turn, will require the installation of an ignition interlock device. Since the fiscal impact is tied to the number of indigents who must have the ignition interlock device, the courts developed their estimated fiscal impact using the assumption that 20 percent of those who obtain a restricted license with ignition interlock are indigent and, thus, eligible to have the cost of the device paid out of the Criminal Fund. Given this assumption 4,500 restricted license holders would have ignition interlock devices subsidized by the Criminal Fund.

There are three components to the cost of the ignition interlock device: (i) the administrative/court fee of \$75, (ii) the \$140 cost of the installation of the device, and (iii) the \$50 monthly monitoring fee due the ignition interlock vendor. The cost of having the ignition interlock on an automobile for one year is therefore \$1,115 (\$75 administrative fee + \$140 installation fee + \$900 monitoring fee (\$50 x 12 months)). Therefore, the courts estimate the annual fiscal impact on the Criminal Fund could be \$5,017,500 (\$1,115 x 4,500).¹

DUI convictions which result in a restricted license being issued to those defendants who are not indigent will result in some increase in revenue, although it is much smaller than the fiscal impact. The defendants who are not indigent and who, by virtue of their restricted license, must have ignition interlock, will pay an administrative/court fee of \$75, instead of the current \$20 administrative/court fee. As a result, the courts estimate that there will be additional revenue of \$990,000 ((80% of 22,500 restricted license holders) x \$55 fee increase). This revenue represents a recoupment of less than 20 percent of the anticipated fiscal impact. Any additional revenue realized would be deposited into the General Fund.

9. Specific agency or political subdivisions affected: Courts, DMV.

10. Technical amendment necessary: No.

11. Other comments: None.

¹ The \$75 fee “to cover court and administrative costs related to the ignition interlock system” is paid to the court clerk and deposited in the General Fund. The courts’ estimate assumes that, in the case of an indigent, the amount represented by that fee would have to be transferred from the Criminal Fund to the General Fund. However, if the interpretation of the provision “he is indigent and unable to pay the cost of the ignition interlock system, the payment therefor shall be made from the Criminal Fund” means that the Commonwealth will, in effect, “write off” the administrative fee for indigents with restricted licenses, then the same \$337,500 component of the fiscal impact will exist, but the impact will affect the General Fund instead of the Criminal Fund.

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