

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB2041

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Iaquinto

3. Committee: House Committee for Courts of Justice

4. Title: **Ignition Interlock Limitations After First Offense**

5. Summary: Provides that a person who is convicted of driving under the influence (DUI) is required to have an ignition interlock on the first offense as a condition of a restricted license. Currently, the requirement for an interlock is only imposed upon a second offense or when the offender's blood alcohol content is above 0.15 percent. The bill increases the court's administrative fee for ignition interlock, from \$20 to \$75. The bill provides that the monthly operation and maintenance costs are to be paid by the Criminal Fund if the offender is indigent. The bill also provides that anyone who is required to have an interlock may not operate a passenger vehicle that carries more than 15 people.

6. Fiscal Impact Estimates: Preliminary (see Item 8)

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2010	\$3,478,000	General
2011	\$3,478,000	General
2012	\$3,478,000	General
2013	\$3,478,000	General
2014	\$3,478,000	General
2015	\$3,478,000	General

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2010	\$1,291,125	General
2011	\$1,291,125	General
2012	\$1,291,125	General
2013	\$1,291,125	General
2014	\$1,291,125	General
2015	\$1,291,125	General

7. Budget Amendment Necessary: Yes, Item 40

8. Fiscal Implications: According to the Supreme Court of Virginia (SCV), there will be a significant fiscal impact for the court system from the provision on lines 60-63 of the bill providing that "*Unless he is indigent, the offender shall pay the cost of leasing or buying and monitoring and maintaining the ignition interlock system. If the offender is indigent and unable to pay the cost of the ignition interlock system, the payment therefore shall be made from the*

Criminal Fund.” In addition to an expected significant expenditure increase in costs to the Criminal Fund, it is reasonable to expect that the Commonwealth will experience a revenue increase from the larger administrative/court fee for ignition interlock installations.

This fiscal impact is based on several key assumptions:

- 1) There will be approximately 31,300 DUI convictions per year.
- 2) 75 percent of DUI convictions will result in a restricted driver’s license and the installation of an ignition interlock device.
- 3) 20 percent of DUI convictions will be classified as indigent.

The most recent court data available estimates that nearly 31,300 DUI convictions will occur on an annual basis (24,373 first time convictions and 6,933 second and subsequent convictions) in the Commonwealth. Conservative estimates assume 75 percent of those convicted will result in a restricted driver’s license and the installation of an ignition interlock device. Therefore, it is concluded that 4,700 restricted license holders will have ignition interlock devices subsidized by the Criminal Fund.

There are two components to the cost of operating the ignition interlock device: (i) the \$140 cost of the installation of the device, and (ii) 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 \$740 (\$140 installation fee + \$600 monitoring fee (\$50 x 12 months)). That said, SCV estimates the annual fiscal impact on the Criminal Fund to be \$3,478,000 (\$740 x 4,700). If the percentage of defendants required to obtain an ignition interlock device who are also indigent is greater than 20 percent, then the fiscal impact will be correspondingly larger as well.

The increase in the court’s administrative fee for ignition interlock from \$20 to \$75 will result in some increase in revenue, although it is anticipated to be smaller than the fiscal impact. SCV estimates that there will be additional revenue of \$1,291,125 (23,475 restricted license holders x \$55 fee increase). This revenue represents a recoupment of approximately 37 percent of the 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

Date: 1/23/2009 dpb

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