FISCAL NOTE

SB 1309 - HB 1728

April 17, 2003

SUMMARY OF BILL: Specifies that any conviction for driving under the influence which occurred on or after July 1, 1982 shall be considered for the purpose of determining whether a person receiving a present conviction is a repeat or multiple offender. Under current law, a person is not considered a multiple offender if ten or more years have elapsed between the current conviction and an immediately preceding conviction.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - $10,000 / Incarceration*
Increase Local Govt. Expenditures - Exceeds $200,000**
Increase Local Govt. Revenues - Less than $50,000

Estimate assumes:

- two felony convictions for a fourth or subsequent DUI offense as a result of including offenses committed more than ten years prior to the current conviction in determining status as a multiple offender.
- an increase in local government expenditures for confinement of DUI offenders as additional persons will be convicted of a second or subsequent DUI as a result of including offenses committed more than ten years prior to the current conviction.
- at least 120 individuals (approximately 1% of total DUI convictions, which was 12,618 in 2001-02) convicted of at least their second DUI offense as a result of the provisions of the bill. These individuals would serve at least the 45 day mandatory minimum sentence for a second offense DUI rather than 48 hours for a first offense.
- the average daily cost of housing an inmate in a county facility of $45.
- an increase in local government revenues from fines levied and collected under the provisions of the bill. The minimum fine for a first offense DUI is $350 and for a second offense is $600. The increase is estimated to be less than $50,000 based on the 120 offenders mentioned above.

*Section 9-4-210, TCA, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

**Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

James A. Davenport, Executive Director