

CORRECTED FISCAL NOTE

HB 2881 - SB 3040

February 11, 2008

SUMMARY OF BILL: Prohibits District Attorney Generals from offering, accepting or entering into plea agreements with individuals charged with DUI when any such agreement would allow the person to enter a plea of guilty or nolo contendere to a lesser offense that does not have as an essential element the person being in physical control of a motor vehicle while under the influence of an intoxicant.

ESTIMATED FISCAL IMPACT:

On January 25, 2008, we issued a fiscal note for this bill estimating a decrease of state revenue of \$62,500 per year and an increase of local revenue of \$225,000. Based on additional information received, the estimated impact for this bill is as follows:

(CORRECTED)

Decrease State Revenue - \$46,900

Increase Local Revenue - \$168,800

Increase Local Expenditures* - \$41,800

Assumptions:

- According to the Department of Safety, approximately 500 violations are reduced each year to lesser charges such as reckless driving.
- 100% of fines for DUI go to local governments.
- 100% of fines for reckless driving go to the state.
- The average fine for DUI is estimated to be \$450.
- The average fine for reckless driving is estimated to be \$125.
- 25% of offenders do not pay fines due to indigence.
- The decrease of state revenue is estimated to be \$46,900 ($\125×500 violations $\times 75\% = \$46,875$) per year.
- The increase to local government revenue is estimated to be \$168,800 ($\450×500 violations $\times 75\% = \$168,750$) per year.
- According to the Office of the Attorney General, there would be no impact to departmental revenue or expenditures as a result of this bill.
- 100% of the 500 violations reduced to lesser charges results in no time of incarceration for offenders.

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- Incarceration costs for local governments are expected to increase as a result of this bill.
- Second and subsequent offenses are not reduced to lesser charges.
- 95% of violations which are reduced to lesser charges are first offenses involving blood-alcohol concentration levels between .08% and .20% resulting in a minimum time of incarceration of two days.
- 5% of violations which are reduced to lesser charges are first offenses involving blood-alcohol concentration levels above .20% resulting in a minimum time of incarceration of seven days.
- Total number of additional days of incarceration is estimated to be 1,125 [(500 x 95% x 2 days) + (500 x 5% x 7 days) = 1,125].
- Based on weighted-average, local governments receive approximately \$37.18 per inmate per day from the state to house prisoners.
- The increase to local government expenditures is estimated to be \$41,800 (1,125 days x \$37.18 = \$41,828) per year.

*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 W. White, Executive Director

/rnc