

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 2972 - SB 2964**

February 11, 2010

**SUMMARY OF BILL:** Reduces unlawful limit and level of presumption of driving under the influence (DUI) from 0.08 percent to 0.02 percent for a person having a prior DUI conviction.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$184,600/Recurring**  
**Increase State Expenditures – \$4,500/One-Time**  
**\$28,800/Recurring**

**Increase Local Revenue – \$830,500/Recurring**  
**Increase Local Expenditures – \$1,471,200/Recurring\***

Assumptions:

- According to the Department of Safety (DOS), there were 7,691 DUI convictions in 2008, under the current law of .08 percent or more, that were posted to individuals with prior DUI offenses.
- A 30 percent increase in the number of DUI convictions for individuals registering less than .08 percent, but more than .02 percent (an additional 2,307 individuals).
- According to DOS, the Information Services Division would require one additional employee for data entry of additional convictions. The associated increase to recurring state expenditures is estimated to be \$28,800 per year (\$19,800 salary, \$6,700 benefits, \$2,300 other).
- One-time state expenditures associated with the one additional position are estimated to be \$4,500 (computer, software, and office supplies).
- Law enforcement officers will require legal briefing. Any such increases to state and local government expenditures are estimated to be not significant.
- Second-time offenders are estimated to be serving an average of 14 days of incarceration under current law.
- According to the Department of Correction, the current weighted-average cost to incarcerate individuals in local county jails is \$45.55 per inmate per day.
- The increase to local government expenditures is estimated to be \$1,471,200 per year (2,307 individuals x 14 days x \$45.55 per day = \$1,471,174).
- DOS estimates the average fine for DUI to be \$450.
- One-hundred percent of DUI fine revenue goes to local government.

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- Twenty percent will not pay fines or reinstatement fees due to indigence.
- The increase to local government revenue derived from fines is estimated to be \$830,500 (2,307 individuals x \$450 x 80.0% = \$830,520) per year.
- The cost for such offenders to reinstate their driver's licenses is estimated to be \$100 per license. The associated increase to state revenue is estimated to be \$184,600 per year (2,307 individuals x \$100 x 80.0% = \$184,560).

\*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:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "James W. White". The signature is written in a cursive style with a large, sweeping initial "J".

James W. White, Executive Director

/jaw