

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: HB 12
 (H) Publish Date: 4/25/01

Revision Date/Time(Note if Correction): _____ Dept. Affected: Corrections
 Title: An Act relating to the offense of operating a BRU: Administration and Operations
motor vehicle, aircraft, or watercraft, while intoxicated;.... Component: All
 Sponsor: Representative Kott
 Requester: House Transportation Committee Component Number: 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	1,211.1	1,183.8	1,217.7	1,254.7	1,254.7	1,254.7
TOTAL OPERATING	1,211.1	1,183.8	1,217.7	1,254.7	1,254.7	1,254.7

CAPITAL EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
CHANGE IN REVENUES ()	164.8	164.8	164.8	164.8	164.8	164.8

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,046.3	1,019.0	1,052.9	1,089.9	1,089.9	1,089.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other - 1156 Receipt supported serv.	164.8	164.8	164.8	164.8	164.8	164.8
TOTAL	1,211.1	1,183.8	1,217.7	1,254.7	1,254.7	1,254.7

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would reduce the threshold for presumption of DWI from .10 to .08. It is estimated by the Department of Law that although this may not increase arrests by a large amount, it will increase convictions by 10%. In FY00 there were 4118 statewide misdemeanor convictions for DWI and 200 felony convictions.

If we multiply 413 misdemeanants (10% of the total) by the percentages reflected in DMV's 2000 statistics for 1st, 2nd, 3rd, 4th and 5th time offenders, we come up with an estimate of how many of those offenders might be newly convicted under a .08 law. All 1st and 2nd time offenders go to the CRC (if there is one in their community) so the CRC cost of care is utilized for our calculations. Utilizing a snapshot done on 10/25/00 of our DWI population, we averaged the sentenced being served for 3rd, 4th and 5th time offenders and estimated proportions of time served in CRCs and hard beds to come up with a total cost.

Assuming 20 new felons convicted under this threshold, and utilizing the average sentence for DWI felons, we estimated

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 Approved by: Margaret Pugh Date 3/30/01
 Agency: Department of Corrections

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20 X 352 days X \$88/day = \$619,520. The total for misdemeanants and felons then is \$1,211,134.

Felony DWI offenders are usually given an average of 3 years probation. Probation costs will not be incurred until after completion of sentence so the impact will not be felt until the 2nd and subsequent years. The daily cost for probationers is \$517/day. If 18 of the 20 felons were on probation the second year, the cost would be \$33,967. It would be necessary to add \$67,934 the third year and \$101,901 the fourth year. After that it would level off as the first probationers drop off.

The Department of Corrections expects a 15% decrease in the incarceration rate for manslaughter/negligent homicides as a result of this legislation, beginning the second year. It will take time for the public to become aware of lowered BAC and to change behaviors. That would result in an annual savings, beginning in FY03, of \$61,320 (or 1.5 persons incarcerated @ \$112/day per year).

Misdemeanant DWI offenders are required to pay the cost of their incarceration up to \$1,000. The Department of Corrections receives approximately 80% of that amount which is collected by the Department of Law. This would net approximately \$164,768 in revenues against the total costs.

FY02	FY03	FY04	FY05	FY06	FY07	
1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	1,211,134	Cost of Incarceration
0	33,967	67,934	101,901	101,901	101,901	Probation Costs
1,211,134	1,245,101	1,279,068	1,313,035	1,313,035	1,313,035	Subtotal
0	-61,320	-61,320	-61,320	-61,320	-61,320	Less savings for ho
<u>-164,768</u>	<u>-164,768</u>	<u>-164,768</u>	<u>-164,678</u>	<u>-164,678</u>	<u>-164,678</u>	Costs paid by inmates
1,046,366	1,019,013	1,052,980	1,087,037	1,087,037	1,087,037	