

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 7
 Bill Version: HB 12
 (H) Publish Date: 4/25/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "... offense of operating a motor vehicle, ... while BRU Criminal Division
intoxicated; ... presumptions arising from the amount of alcohol ... Component Third Judicial District: Anchorage
 Sponsor Representative Kott
 Requester House Transportation Committee Component No. 2261

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	121.1	121.1	121.1	121.1	121.1	121.1
Travel	0.4	0.4	0.4	0.4	0.4	0.4
Contractual	18.7	18.7	18.7	18.7	18.7	18.7
Supplies	1.6	1.6	1.6	1.6	1.6	1.6
Equipment	6.5					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	148.3	141.8	141.8	141.8	141.8	141.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	148.3	141.8	141.8	141.8	141.8	141.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	148.3	141.8	141.8	141.8	141.8	141.8

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 12 amends AS 28.35.030(a) by lowering the blood alcohol limit from 0.10 to 0.08 percent by weight of alcohol in a person's blood (and a corresponding change in the limit for alcohol in a person's breath) for the offense of driving while intoxicated (DWI), a class A misdemeanor. The bill also changes the presumptions in AS 28.35.033(a) in a civil or criminal action from 0.05 - 0.10 to 0.04 - 0.08 percent by weight of alcohol in the person's blood (and a similar change for breath alcohol), as the area where there is no presumption about the person being under the influence of alcohol. Under this bill, a person who measures 0.04 and below is presumed not under the influence, and a person who measures 0.08 and above is presumed to be under the influence of intoxicating liquor. The bill will result in an increased number of DWI cases being prosecuted by the Department of Law.

In FY00, the Criminal Division accepted for prosecution 3,218 misdemeanor and 213 felony DWI referrals by law enforcement throughout the state. Recently received statistics from the Anchorage Police Department indicate there would be about a 6 percent

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 Agency Department of Law

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BILL NO. HB 12, FN #7

ANALYSIS CONTINUATION

increase in DWI referrals due to the lowering of the blood alcohol threshold to 0.08. Experience has varied in other states that have reduced from 0.10 to 0.08 the limit for driving while intoxicated (California, Maine, Oregon, and Utah). While some states have experienced a 20 to 40 percent increase in DWI cases, a conservative estimate for the increase is about 10 percent. This would result in 322 additional misdemeanor and 21 felony DWI cases, which are much more time-consuming to prosecute than misdemeanors. The Department of Law assumes that municipalities which presently prosecute misdemeanor DWI will amend their ordinances to mirror the change in state law. If this does not occur, the estimated number of misdemeanor prosecutions is understated.

Much of the anticipated increase in prosecutions will occur in southcentral Alaska. Because Anchorage is the hub from which prosecutors are sent to assist other offices in times of overload, it will be necessary to add one new attorney position to the Anchorage District Attorney's Office.

Using the department's FY02 standard attorney cost schedule, the fiscal impact from this legislation would be \$141,776. This cost includes clerical support, communications, space, supplies, data processing, and other normal overhead expenses. The standard cost does not include one-time new equipment purchases, and \$6,500 is added in FY02 for this purpose. Please note that although no clerical support position is being added, proportionate support position funding is included in the standard attorney cost schedule to reduce clerical support vacancy so that the new attorney's clerical burden can be handled.