

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2562

STATUS: A Engrossed

SUBJECT: Provides that a person commits the offense of refusal to take test for intoxicants if person refuses to submit to blood test or take urine test if requested to do so under implied consent law.

GOVERNMENT UNIT AFFECTED: Oregon Judicial Department, Department of Justice, Oregon Department of Transportation, Public Defense Services Commission, Oregon State Police

PREPARED BY: Tim Walker

REVIEWED BY: Robin LaMonte, Doug Wilson, Susan Jordan

DATE: March 12, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

REVENUES:
See Comments

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill amends ORS 813.095 to include refusal to submit to blood or urine testing for intoxicants as an offense punishable by a fine of at least \$500 but not more than \$1,000. The offense does not have the potential for incarceration and is not eligible for legal representation by the state. All revenues from this violation will be directed to the Oregon State Police (OSP) regardless of whether or not the citation was written by OSP.

The Oregon Department of Transportation (ODOT) anticipates a minimal cost associated with minor changes needed to forms and increased legal costs. Oregon Judicial Department, Department of Justice, Public Defense Services Commission, and OSP do not anticipate any appreciable increase in operational expenditures due to this bill. This bill could potentially result in increased revenues for OSP. Under current law, if a violation is cited into a municipal or justice court, a portion of the fine remains with the court and the balance is credited to the Criminal Fines Assessment Account (CFAA). If the violation is cited into a circuit court the entire fine is credited to CFAA. Under this bill, all fines would be credited to the State Police Account regardless of which court the violation is cited into. The bill has the potential of decreasing revenues to local jurisdictions and CFAA. According to data provided by ODOT, there are approximately 340 driver license suspensions for blood and urine test refusal each year. It is not clear from the data how many of these driver license suspensions would result in citations in a justice or municipal court and how many would be cited into a circuit court. In addition, it is not known what kind of deterrent effect an additional fine would have on the frequency of citations. It is also not clear at what level, between \$500 and \$1,000, most of the violations would be cited at and therefore the fiscal impact for this bill is indeterminate.