

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2237                      **STATUS:** Original  
**SUBJECT:** Increases penalties for driving while under the influence of intoxicants.  
**GOVERNMENT UNIT AFFECTED:** Oregon Judicial Department, Oregon State Police, Oregon Department of Transportation, Public Defense Services Commission, Cities, and Counties.  
**PREPARED BY:** Tim Walker  
**REVIEWED BY:** John Borden, Doug Wilson, and Susan Jordan  
**DATE:** February 9, 2009

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	<u>2009-2011</u>	<u>2011-2013</u>
<b>EXPENDITURES:</b> See Comments		

**EFFECTIVE DATE:** January 1, 2010

**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.

**ANALYSIS:** This bill increase the penalties for driving under the influence of intoxicants (DUII) if the person has a blood alcohol content (BAC) of 0.15 percent or more, to a fine of \$2,500 and a minimum of least 72 consecutive hours in jail.

Oregon Judicial Department (OJD) anticipates some additional caseload, but is unable to quantify the exact amount of the caseload. OJD does not anticipate the additional caseload to be significant and anticipates that nominal increase is caseload can be absorbed with current resources.

The Oregon State Police (OSP) reports that for calendar year 2007, 126 out of 3,706 total DUII arrests were for a BAC of 0.15% or greater. OSP anticipates an increase in contested cases because of the increase in penalties. If this is the case then additional court time will be required from officers which may increase overtime costs to the agency. The exact number of contested cases is unknown.

Oregon Department of Transportation reports that this bill will not affect driving privileges or driver records. The Public Defense Services Commission does not anticipate a fiscal impact due to the provisions of this bill. The League of Oregon cities does not anticipate a fiscal impact. Counties may have a fiscal impact due to the 72 hour jail provision, but the Association of Oregon Counties did not respond to a request for information. An average of \$105 per day has been used as an average daily cost for an individual in a county jail. The actual costs vary widely among the counties and would depend upon the number of individuals that would be subject to the sanctions of this bill.