

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

MEASURE NUMBER: HB 2426 **STATUS:** Original
SUBJECT: Imposes a minimum fine and mandatory imprisonment of person convicted a driving under the influence of intoxicants under certain circumstances.
GOVERNMENT UNIT AFFECTED: Department of Corrections, Oregon Judicial Department, Public Defense Services Commission, Cities and Counties
PREPARED BY: Tim Walker
REVIEWED BY: Doug Wilson and John Borden
DATE: February 20, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Analysis		

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 would impose a minimum fine of \$2,500 and seven days imprisonment for a person convicted of driving under the influence of intoxicants (DUII) if their blood alcohol content is 0.20% or greater. In addition, a minimum of 60 days imprisonment would be imposed if the person has been convicted of DUII within the past five years. The term of imprisonment can be served in jail, a minimum security facility or an inpatient rehabilitation or treatment center.

Since the sanctions proposed in this bill are less than one year, the Department of Corrections would not be affected. Without having a reliable estimate of the number of convictions under this bill, it is not possible to estimate the fiscal impact on local jails. The most recent figures available, and they are a couple of years old, indicate that the average cost per night in a county jail is \$105 per night. There is a wide variation in the cost per night in county jails and the \$105 per night is an estimate. As the severity of sanctions increase, it is reasonable to think that cases are more likely to go to trial and costs will increase for the Oregon Judicial Department and for the Public Defense Services Commission. Again, without a reliable estimate of the number cases that can be expected, the additional costs incurred cannot be estimated.