

**FISCAL IMPACT OF PROPOSED LEGISLATION****Measure: HB 2115**Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session  
Legislative Fiscal Office***Only Impacts on Original or Engrossed  
Versions are Considered Official***Prepared by: John Terpening  
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Date: 2-4-2013**Measure Description:**

Expands offense of driving while under influence of intoxicants to include any drug that adversely affects person's physical or mental faculties to noticeable or perceptible degree.

**Government Unit(s) Affected:**

Department of Corrections, District Attorneys and their Deputies, Oregon Department of Transportation, Public Defense Services Commission, Department of Justice, Judicial Department, Oregon Criminal Justice Commission, Cities, Counties

**Summary of Expenditure Impact:**

<b>Agency – Fund Type</b>	<b>2013-2015 Biennium</b>	<b>2015-2017 Biennium</b>
Department of Corrections – General Fund		
Prison Cost	\$59,042	\$94,467
Special Payments to Counties	\$16,225	\$25,960
<b>Total Cost</b>	<b>\$75,267</b>	<b>\$120,427</b>

**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:**

The measure expands the offense of driving while under the influence of intoxicants to include any drug that adversely affects a person's physical or mental faculties to noticeable or perceptible degree, and defines the term "intoxicant". Currently, a person may be charged with the offense of Driving Under the Influence of Intoxicants (DUII) if they are under the influence of alcohol, a controlled substance, an inhalant or any combination of the three. The measure will not have an impact on the number of DUII arrests conducted. DUII arrests are made because the driver is impaired; it is only after the arrest that a determination is made as to what substance (alcohol, controlled substance, inhalant, or non-controlled substance) caused the impairment.

According to the Drug Recognition State Coordinator, it is estimated that the measure's expanding of the offense of DUII will result in approximately 200 additional DUII charges per year. This estimate is based on prior historical data on the number of drug evaluations conducted where the only impairing substance revealed from urine toxicology was a non-controlled substance.

Based on historical DUII conviction data, the Criminal Justice Commission (CJC) estimates that approximately 5% of the 200 additional DUII cases would result in felony convictions and that 43% of these felony convictions would result in incarceration with the remainder going to county community corrections. As a result, the Department of Corrections (DOC) estimates four additional inmates in DOC facilities per year with an estimated length of stay of 17 months, and six additional offenders per year in county community corrections departments with an estimated 14 months of supervision per biennium.

The bill is effective January 1, 2014 and DOC estimates a three-month lag between the effective date and receipt of the first offenders. Included in the cost estimates in the above table are funds that would

be distributed to the community corrections departments of counties for costs of probation, post-prison supervision, and local control. DOC assumes any incarcerated inmates will be distributed into existing housing facilities and there would be no additional costs for staffing or construction. These cost estimates could vary depending on the actual number of cases, convictions and length of sentences issued.

There is a minimal fiscal impact to the Department of Transportation, Department of Justice, District Attorney's and their Deputies, and the Judicial Department as a result of this measure.