

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2660 - 3

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Provides court discretion to order person participating in driving while under influence of intoxicants diversion agreement to install ignition interlock device if person submitted to chemical test of person's breath or blood and test disclosed blood alcohol content below 0.10 percent by weight.

Government Unit(s) Affected:

Judicial Department, Oregon Department of Transportation (ODOT), Oregon Health Authority (OHA)

Summary of Expenditure Impact: See Analysis

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 establishes requirements for installation of an ignition interlock device (IID) for a person in the driving under the influence diversion program. The measure would require installation of an IID in the following circumstances: if the blood alcohol content is 0.08 or more, if the person refused to submit to a chemical test, or if person submitted to a test that disclosed the presence of a controlled substance while blood alcohol content was between 0.00 and 0.08. The measure allows the court to have discretion if the blood alcohol content was between 0.00 and 0.08 and there is no presence of any controlled substances.

Currently, a person participating in the diversion program is required to install an IID as a condition of the diversion. This measure would provide the court with some discretion on the installation of an IID under specific circumstances.

The Judicial Department anticipates the measure will increase the number of hearings for diversion cases, primarily in cases where the court now has discretion. However, this impact is anticipated to be minimal.

There is an indeterminate impact to the Oregon Health Authority (OHA), Addictions and Mental Health Division which has the Intoxicated Driver Treatment Program, funded with dedicated Other Funds from the Criminal Fines Assessment revenues. This program reimburses the installers of IID's that are provided to the indigent. Indigent eligibility for IID's is determined by the Supplemental Nutrition Assistance Program eligibility. Currently, OHA reimburses at a discounted cost of \$42.99 per month, and pays for 297 IIDs per month, on average. Based on information from the Department of Motor Vehicles there were 8,782 diversions entered in 2013. Depending on the number of diversions which would no longer require IIDs under the courts discretion provided by the measure, OHA will have fewer reimbursements for IID's through the Intoxicated Driver Program. However, these funds will then go to support existing indigent DUII treatment programs.

There is no impact to the Oregon Department of Transportation as a result of this measure.