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**FISCAL IMPACT STATEMENT**

**LS 6167**

**BILL NUMBER: HB 1020**

**NOTE PREPARED: Feb 20, 2009**

**BILL AMENDED: Feb 20, 2009**

**SUBJECT:** Ignition Interlock Devices.

**FIRST AUTHOR:** Rep. Duncan

**FIRST SPONSOR:**

**BILL STATUS:** 2nd Reading - 1st House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- A. It provides that a court may grant probationary driving privileges to a person who is convicted of operating a vehicle or motorboat while intoxicated (OWI) and who does not have a previous OWI conviction or whose previous OWI conviction was at least ten years in the past and may order the person to not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device for six months.
  
- B. It requires a court, when granting probationary driving privileges to: (1) a person who is convicted of OWI and whose previous OWI conviction was at least five but less than ten years in the past; or (2) a person who operated a vehicle with a certain alcohol concentration equivalent; to grant the probationary driving privileges subject to the condition that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) *Minimal Costs to Counties* – Counties do not incur any

additional cost when a court orders a person convicted of operating a vehicle while intoxicated to install and maintain an ignition interlock system. Persons who are ordered to install and properly maintain an ignition interlock system on their car pay the entire costs of the operation. The average fee for installing an ignition interlock device is between \$70 and \$100, and the average cost of maintaining the device is between \$30 and \$60 per month. Current law does not require indigent persons convicted of OWI to pay to have an ignition interlock device installed. But current law does not require the court to pay the cost of installing and maintaining an ignition interlock device, either.

Under current law, courts can suspend a person's driving privileges or order the use of an ignition interlock device as a condition of probationary driving privileges if the person did not refuse the test and has no prior OWI convictions within the previous ten years. Any other person with an OWI offense that has occurred within ten years is required to have an ignition interlock device installed during the probationary period. (IC 9-30-5-16) A court may substitute an alcohol treatment program using disulfuram or a similar substance in lieu of installing ignition interlock devices in the vehicles of drivers with prior OWIs.

As proposed, this bill would require mandatory ignition interlock devices be installed depending on the prior history of the offender and the amount of alcohol that was consumed in the most recent arrest.

		Prior History of OWIs	
		At Least 5 but less than 10 Years	No Prior or Prior OWI Occurred More than 10 Years Ago
Blood Alcohol Content in Most Recent Arrest	More than 0.08 and less than 0.15 BAC	Mandatory	Discretionary
	At least 0.15 BAC	Mandatory	Mandatory

Based on the number of suspensions of persons convicted of OWI with no prior OWI offenses, 17,000 to 20,000 new persons could be ordered to have an ignition interlock device installed in the car they are driving if they wish to retain their driving privileges.

New License Suspensions by Calendar Year of Persons with No Prior OWI Offenses				
2003	2004	2005	2006	2007
17,029	16,741	16,261	14,396	20,048

As an illustration of the potential costs associated with indigent OWI offenders, LSA estimates that in 2007, 5,645 OWI offenders could be indigent based on the percentage of misdemeanants who qualified for pauper attorney services in 2007 (55,133 pauper cases ÷ 195,360 cases disposed = 28% x 20,000 = 5,645). While counties would not be obligated to pay for the costs of installing and operating these ignition interlock devices, the added costs could range between \$1.4 M and \$2.6 M if counties actually paid for these costs.

In an informal survey, Criminal Justice Institute staff reported that courts in the following counties routinely order ignition interlock devices for OWI offenders:

- Warrick County
- Dearborn County
- Saint Joseph County
- Tippecanoe County
- Porter County
- Clark County

*Use of Disulfuram* – Disulfuram is a drug that causes severe (but temporary) physical distress for persons who consume alcohol after taking the drug. Under current law, a court can only order an OWI offender to use disulfuram when the offender has had an OWI conviction within the past five years. Few courts currently use disulfuram as part of an alcohol treatment program.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts with OWI jurisdiction.

**Information Sources:** Bureau of Motor Vehicles; Dan Jeffries, Criminal Justice Institute; Indiana Judicial Center; *2007 Indiana Judicial Report*

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