

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7056

BILL NUMBER: SB 586

NOTE PREPARED: Jan 12, 2011

BILL AMENDED:

SUBJECT: Blood Sample and Chemical Test Fee.

FIRST AUTHOR: Sen. Bray

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that in a court action in which a defendant is found to have committed a crime, violated a statute defining an infraction, or violated an ordinance of a municipal corporation, if a: (1) blood sample is obtained from the defendant at the expense of a political subdivision; or (2) blood sample obtained from the defendant has a chemical test performed on it to determine the presence of alcohol or a controlled substance in the defendant's blood at the expense of a political subdivision; the clerk of the court is required to collect from the defendant a Blood Sample and Chemical Test Fee of \$35.
- B. It requires: (1) the clerk to forward the fee to the fiscal officer of the political subdivision that paid to obtain the blood sample or test the blood sample, or both; and (2) the fiscal officer to deposit the fee into the general fund of the political subdivision.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues: The bill could result in added revenue to the general fund of county or municipality. There are two different expenses that a county or municipality can recover from this bill:

- the cost of obtaining the blood sample, generally through employing a health care professional who

is trained in extracting blood samples and incurring the costs of expendable material and

- the cost of the tests needed to perform the analysis to determine the presence of alcohol or drugs in the person's blood sample.

A county or municipality's expenditure will depend on where the extraction is performed and where the test is conducted. If the tests are performed by the Department of Toxicology, there will be no charge to the county or municipality. If the blood sample is analyzed by a hospital laboratory or a private laboratory, the county would pay the costs of materials and staff time.

The Department of Toxicology reports that in 2009, it processed 5,578 unique cases that were confirmed positive for drugs or alcohol. These were cases that were processed by the Department of Toxicology.

State Agencies Affected: Department of Toxicology, Indiana University.

Local Agencies Affected: Local law enforcement agencies; Prosecuting attorneys.

Information Sources: Steve Sonnega, Morgan County Prosecuting Attorney; Scott Newman, Department of Toxicology.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.