



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: **HB0344.01: Revise criminal laws related to DUI**

Primary Sponsor: **Braxton Mitchell**

Status: **As Introduced**

☐ Included in the Executive Budget

☒ Needs to be included in HB 2

☐ Significant Local Gov Impact

☐ Significant Long-Term Impacts

☐ Technical Concerns

☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
Expenditures				
General Fund (01)	\$915,040	\$915,040	\$928,765	\$942,697
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
Net Impact	<u>(\$915,040)</u>	<u>(\$915,040)</u>	<u>(\$928,765)</u>	<u>(\$942,697)</u>
General Fund Balance				

Description of fiscal impact

HB 344 creates an additional type of driving under the influence. The Department of Justice will incur additional costs due to new testing required. The fiscal impact to the Office of Public Defender cannot be predicted but could be significant.

FISCAL ANALYSIS

Assumptions

Department of Justice (DoJ)

1. HB 344 will require urine specimens to be submitted for all DUI cases.
2. Urine drug testing is required for all DUI submissions that do not meet the current ethanol threshold.
3. These tests would need to be outsourced, which would equate to 2,128 (drug-tested DUI cases in 2024) at a cost of \$430 per case. DOJ assumes approximately \$915,040 would be needed for an outside lab to perform the analysis.
4. An inflationary increase of 1.5% has been applied to FY 2028 and FY 2029.

Office Public Defender (OPD)

5. OPD assumes that expanding the conduct for which DUI offenses can be charged would increase the number of cases to which OPD will be appointed each year.
6. However, because OPD has no historical data regarding the frequency of this new offense conduct, OPD assumes no ability to predict how many such new DUI charges would result from this bill nor how many of those charges would be felonies or misdemeanors based on the defendant's prior DUI history.
7. Because OPD's FTE staff is already working at capacity, OPD assumes any increase in cases to which OPD is appointed would be represented by contract public defenders.
8. OPD assumes the estimated cost of representation by contract public defenders would be \$97.50 per hour (\$90 per hour professional services rate plus average travel expenses of \$7.50 per case hour).

9. OPD assumes new misdemeanor DUIs would be weighted at 7 case weight hours and new felony DUIs would be weighted at 15 case weight hours per matter.
10. OPD assumes the total impact of this bill on OPD would be a number of new misdemeanor DUIs filed (unknown) times 7 hours per matter times \$97.50 per hour plus the number of new felony DUIs filed (unknown) times 15 hours per matter times \$97.50 per hour.

Fiscal Analysis Table

Department of Justice

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$915,040	\$915,040	\$928,765	\$942,697
TOTAL Expenditures	<u><u>\$915,040</u></u>	<u><u>\$915,040</u></u>	<u><u>\$928,765</u></u>	<u><u>\$942,697</u></u>
<u>Funding of Expenditures</u>				
General Fund (01)	\$915,040	\$915,040	\$928,765	\$942,697
TOTAL Funding of Expenditures	<u><u>\$915,040</u></u>	<u><u>\$915,040</u></u>	<u><u>\$928,765</u></u>	<u><u>\$942,697</u></u>
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	<u><u>(\$915,040)</u></u>	<u><u>(\$915,040)</u></u>	<u><u>(\$928,765)</u></u>	<u><u>(\$942,697)</u></u>

 B.M.
Sponsor's Initials

2/7/25
Date


Budget Director's Initials

2/6/2025
Date