



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: **HB0816.01: Generally revise DUI penalties**

Primary Sponsor: **Fiona Nave**

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**

	<b><u>FY 2026</u></b> <b><u>Difference</u></b>	<b><u>FY 2027</u></b> <b><u>Difference</u></b>	<b><u>FY 2028</u></b> <b><u>Difference</u></b>	<b><u>FY 2029</u></b> <b><u>Difference</u></b>
<b>Expenditures</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Revenues</b>				
General Fund (01)	\$1,375,950	\$1,375,950	\$1,375,950	\$1,375,950
<b>Net Impact</b>	<u>\$1,375,950</u>	<u>\$1,375,950</u>	<u>\$1,375,950</u>	<u>\$1,375,950</u>
<b>General Fund Balance</b>				

### **Description of fiscal impact**

#### **Department of Justice**

HB 816 will raise penalties for driving under the influence.

### **FISCAL ANALYSIS**

#### **Assumptions**

#### **Department of Justice**

1. No additional fine due to stipulation no under 16-year-old passengers in a vehicle.
2. New bill fine assumption based on current fine, where judges split between minimum and maximum fine or add \$85 to an aggravated fine.
3. 61-8-1002 (1)(a) 2nd offense had an average of 264 citations in calendar years 2023 and 2024. The fee charged would be from \$1,685 to \$2,535;  $\$2,535 - \$1,685 = \$850$ ;  $\$850 * 264 \text{ citations} = \$224,400$  increase in fine revenue.
4. 61-8-1002 (1)(a) 3rd offense had an average of 154 citations in calendar years 2023 and 2024. The fee charged would be from \$3,785 to \$6,035;  $\$6,035 - \$3,785 = \$2,250$ ;  $\$2,250 * 154 \text{ citations} = \$346,500$  increase in fine revenue.
5. 61-8-1002 (1)(a) Aggravated DUI 1<sup>st</sup> offense had an average of 276 citations in calendar years 2023 and 2024. The fee charged would be from \$1,085 to \$5,085;  $\$5,085 - \$1,085 = \$4,000$ ;  $\$4,000 * 276 \text{ citations} = \$1,104,000$  increase in fine revenue.
6. 61-8-1002 (1)(a) Aggravated DUI 2<sup>nd</sup> offense had an average of 81 citations in calendar years 2023 and 2024. The fee charged would be from \$2,585 to \$7,085;  $\$7,085 - \$2,585 = \$4,500$ ;  $\$4,500 * 81 \text{ citations} = \$364,500$  increase in fine revenue.
7. 61-8-1002 (1)(a) Aggravated DUI 3<sup>rd</sup> offense had an average of 51 citations in calendar years 2023 and 2024. The fee charged would be from \$5,085 to \$18,085;  $\$18,085 - \$5,085 = \$13,000$ ;  $\$13,000 * 51 \text{ citations} = \$663,000$  increase in fine revenue.

**Fiscal Note Request - As Introduced***(continued)*

8. 61-8-1002 (1)(b) Aggravated DUI 1<sup>st</sup> offense had an average of 5 citations in calendar years 2023 and 2024. The fee charged would be from \$1,085 to \$5,085;  $\$5,085 - \$1,085 = \$4,000$ ;  $\$4,000 * 5 \text{ citations} = \$20,000$  increase in fine revenue.
9. 61-8-1002 (1)(b) Aggravated DUI 2<sup>nd</sup> offense had an average of 1 citation in calendar years 2023 and 2024. The fee charged would be from \$2,585 to \$7,085;  $\$7,085 - \$2,585 = \$4,500$ ;  $\$4,500 * 1 \text{ citations} = \$4,500$  increase in fine revenue.
10. 61-8-1002 (1)(b) Aggravated DUI 3<sup>rd</sup> offense had an average of 1 citation in calendar years 2023 and 2024. The fee charged would be from \$5,085 to \$18,085;  $\$18,085 - \$5,085 = \$13,000$ ;  $\$13,000 * 1 \text{ citations} = \$13,000$  increase in fine revenue.
11. 61-8-1002 (1)(c) Aggravated DUI 1<sup>st</sup> offense had an average of 3 citations in calendar years 2023 and 2024. The fee charged would be from \$1,085 to \$5,085;  $\$5,085 - \$1,085 = \$4,000$ ;  $\$4,000 * 3 \text{ citations} = \$12,000$  increase in fine revenue.
12. \$2,751,900 in revenue could be received with half going to the general fund and half going to the county in which the citation was written.
13. The general fund portion is assumed to be \$1,375,950.

**Fiscal Analysis Table**

<b>Department of Justice</b>				
	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
	<b><u>Difference</u></b>	<b><u>Difference</u></b>	<b><u>Difference</u></b>	<b><u>Difference</u></b>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
<b><u>Funding of Expenditures</u></b>				
<b><u>Revenues</u></b>				
General Fund (01)	\$1,375,950	\$1,375,950	\$1,375,950	\$1,375,950
<b>TOTAL Revenues</b>	<b>\$1,375,950</b>	<b>\$1,375,950</b>	<b>\$1,375,950</b>	<b>\$1,375,950</b>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	\$1,375,950	\$1,375,950	\$1,375,950	\$1,375,950

**NOT SIGNED BY SPONSOR**

Sponsor's Initials

Date



Budget Director's Initials

3/5/2025

Date