

1752

FISCAL NOTE (Form 1)
(Office of Fiscal Analysis)
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BILL NUMBER: SHB 5888
FILE NUMBER:
AMENDMENTS: House "A" and "B"

TITLE: "AN ACT CONCERNING THE ADMINISTRATION OF TESTS IN DRUNKEN DRIVING CASES"

FAVORABLY REPORTED BY Judiciary, Appropriations

EFFECTIVE DATE: 10/1/92

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5888

STATE IMPACT	Potential Cost, Potential Minimal Cost, Potential Minimal Revenue Gain, see explanation below
MUNICIPAL IMPACT	Potential Minimal Cost, see explanation below
STATE AGENCY(S)	Judicial Department, Department of Public Safety, Department of Health Services

EXPLANATION OF ESTIMATES:

STATE IMPACT: The passage of the bill as amended would result in minimal cost to the Judicial Department that can be absorbed within normal budgetary resources. Since the bill as amended allows greater flexibility in the administration of tests to those suspected of driving under the influence of drugs or alcohol and in the admissibility of such evidence, more convictions, court cases and revenue from fines could result.

The bill as amended would also result in a potential minimal cost to the Department of Public Safety. To the extent state police officers choose to administer more costly tests on suspects, minimal costs would accrue to the State Police.

Passage of the bill as amended would also result in an estimated cost of \$116,850 in SFY 1992-93 to the Department of Health Services. Included in this sum is \$19,850 to support the three-quarter year cost of one (1) Chemist II, \$70,000 for one-time costs associated with purchasing needed equipment, and \$27,000 to purchase additional chemical reagents required to perform the tests, commencing October 1, 1992. Second year costs associated with the bill would be \$62,466 (\$26,466 for full-year support of the Chemist II and \$36,000 for purchase of the reagents). The Department of Health Services anticipates being required to perform an additional 1,200 tests per year as a result of passage of this bill as amended. This would result

in SFY 1992-93 costs of \$130 per test; the cost per test would fall to \$52 in subsequent years.

The Department of Health Services is entitled, pursuant to State statute, to receive a fee of \$50 from persons convicted of a substance abuse related crime if a test was performed by the Toxicology Division. For convictions made during the year ending December, 1991, the Judicial Department transferred funds, in the amount of \$1,850, to the DOHS for this purpose. To the extent that passage of the bill as amended results in increased substance abuse related convictions, a potential minimal revenue gain to DOHS would occur.

In addition, passage of the bill as amended would require a defendant to pay \$50 to receive results of any toxicological analysis performed at his/her request. It is unclear the extent of the revenue that would be gained or which state agency would incur the administrative responsibilities for collecting the fee and distributing the results. It also cannot be determined at this time whether these extra responsibilities could be accomplished within available budgetary resources.

It should be noted that the bill as amended gives both police officers and defendants the right to request additional chemical tests if such results are to be admissible in court. It is anticipated that in the majority of cases, the requesting party shall be the police officer. In cases in which the police officer has requested the blood or urine test, the Department of Health Services shall continue to be obligated by law to perform these tests free of charge.

MUNICIPAL IMPACT: The passage of the bill as amended could result in cost to local police departments when police officers choose to administer a more costly test.

House Amendment "A" requires defendants to pay \$50 to receive results of any toxicology analysis performed at his/her request. The Department of Health Services would receive any revenue gained from such fees.

House Amendment "B" includes a phlebotomist among those who would be allowed to take blood samples for use in the test of drunken driving cases. To the extent that individuals who may have been driving under the influence would not have been tested due to the absence of certain qualified blood samples, but while a phlebotomist was present, a minimal increase in court cases, prosecutions and fines would result.