

BILL SUMMARY
2nd Session of the 55th Legislature

Bill No.:	HB3146
Version:	CS
Request Number:	9290
Author:	Rep. Sanders
Date:	2/24/2016
Impact:	Loss of revenue: Approximately \$3,076,150 (to the Courts)

Research Analysis

The CS to HB 3146 creates the Impaired Driving Elimination Act (IDEA). The measure apportions the monies collected by the court clerk from fines for violations DUI related offenses in the following manner: 45% to the District Attorneys Council Revolving fund to defray costs of prosecution; 25% to the arresting agency; 15% to the court fund; 10% to the court clerk and 5% to the Oklahoma Impaired Driver Database Revolving Fund. The measure prohibits the court from waiving any fine in its entirety, allowing the court to reduce the amount of fine equally with the same percentage reduction to the fine, costs and any other fees assessed. The measure provides that the State Legislature preempts the entire field of legislation touching in any way the prosecution of offenses relating to driving under the influence. No municipality has authority to prosecute any laws or ordinances relating to driving under the influence. Municipalities with municipal courts of record are excluded from the preemption. The measure directs the Commissioner of Public Safety to create a statewide impaired driver database with the assistance of the Office of Management and Enterprise Services.

Title is stricken.

Prepared By: Brad Wolgamott

Fiscal Analysis

According to officials with the Courts, “currently, 100% of all revenue received from DUI fines goes to the court fund. HB3146 redistributes the fine revenue to district attorneys, the arresting agency, and the court clerk, leaving only 15% for the court fund. Revenue from the court fund is deposited into the State Judicial Revolving Fund where it is used to pay the salaries of judges, bailiffs, and court reporters.

In FY-15 there were 11,359 DUI dispositions filed in District Court. Of those 8,242 were misdemeanors and 3,117 were felonies. The average fine for a misdemeanor DUI case is \$250 and the average fine for a felony DUI case is \$500.

In FY-15, approximately \$2,060,500 was assessed in misdemeanor DUI cases and \$1,558,500 was assessed in felony DUI cases for an annual total of \$3,619,000. HB3146 would reduce the annual revenue to the District Courts from DUI fines to \$542,850, a loss of \$3,076,150.

Any reduction in fine revenue to the Courts will result in the need for additional general revenue appropriations to support the operations of the District Courts.”

Prepared By: Joshua Maxey

Other Considerations

None.

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