

FISCAL NOTE

Bill #: HB0396

Title: Vehicle forfeiture for certain DUI's

**Primary
Sponsor:** Ken Peterson

Status: Second Reading

Sponsor signature Date

Chuck Swysgood, Budget Director Date

Fiscal Summary

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
Expenditures:	139,740	139,740
Revenue:		
General Fund	293,180	293,180
Net Impact on General Fund Balance:	\$153,440	\$153,440

<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

Fiscal Analysis

ASSUMPTIONS:

1. In FY 2000 the Montana Highway Patrol (MHP) issued 457 citations for DUI incidents meeting the criteria of HB 396.
2. Based on MHP statistics, 40% or 183 of these vehicles will be of insufficient value or will have significant liens in excess of the value of the vehicle, so no forfeiture or revenue would be realized. The remaining 60% or 274 vehicles will be forfeited.
3. Based on the criteria for forfeiture as contained in HB 396, all 274 vehicles forfeited will have damage.

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4. Based on current statistics, the 274 vehicles forfeited will bring in an average of \$1,070 when sold or auctioned for a total of \$293,180. Expenses for processing the vehicles to the point of sell average \$510 each to tow (\$70), store (\$240), and sell (\$200). So, 274 vehicles times \$510 equals \$139,740.
5. Revenues of \$293,180 minus the expense of \$139,740 equals \$153,440 net.
6. County attorneys and judges base these figures on 100% enforcement of the forfeiture.
7. These revenues are based on the assumption that the judges will forfeit the vehicles where MHP officers have issued the citation to the MHP, instead of to the counties, which is the current practice.
8. Currently, far less than 100% compliance for third or subsequent offense DUI vehicles are forfeited.
9. Revenues from the sale of forfeited vehicles are placed in the state special drug forfeiture fund. Per statute, 44-12-206(3)(b), MCA, proceeds in excess of \$125,000 received by the state must be deposited equally between the state special revenue account and the general fund. Since revenues are not easily estimated in the forfeiture account, it is assumed that the revenue from the forfeitures from this bill will be deposited in the general fund. As such, funding for the expenses should come from the general fund.

FISCAL IMPACT:

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
<u>Expenditures:</u>		
Operating Expenses	139,740	139,740
<u>Funding:</u>		
General Fund (01)	139,740	139,740
<u>Revenues:</u>		
General Fund (01)	293,180	293,180
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>		
General Fund (01)	153,440	153,440

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Local governments, if they issue citations for DUI, and meet the criteria in HB 396 could incur the same types of revenues and expenses.