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## *Detailed Fiscal Analysis*

This bill elevates the penalty for a third-time local OMVI offender by ordering criminal forfeiture of the vehicle instead of immobilization and license plate impoundment. Upon forfeiture, the court turns the vehicle over to the law enforcement agency that made the arrest. The law enforcement agency has the discretion to hold an auction or send the vehicle to a scrap yard. Vehicles that are owned by a third party are returned to the rightful owner. The Bureau of Motor Vehicles currently blocks the transference of titles from offenders to family members or other parties based on reports from the courts stating the nature of the offense. Vehicles used for the offense are, under current law, immobilized and impounded. Those municipal law enforcement agencies that do not execute the immobilization and impoundment themselves collect the fee and contract out for the service.

Of the eight cases of forfeiture reported by the State Highway Patrol, the vehicles were all either destroyed or given to a wrecker service; no funds were received through sale. The threshold for the Highway Patrol in determining the disposition of the vehicle used is that a vehicle under 5 year / 50,000 miles without a lien currently held on it, not a rental car, and belonging to the offender is retained for either department use or sold at auction. A spokesperson for the Department of Public Safety reported that few if any cars used by repeat offenders fit this criterion, and a majority of the vehicles have been in an accident prior to the arrest. Most vehicles are either rental which are returned to the rental agency, have excessive liens on them which are returned to the lien holder, or are deemed to have little value or are inoperable and are crushed. Cars that are abandoned are retained by the impound lot owner to cover expenses or are auctioned off to pay the lien or any other expenses incurred with the towing and impounding.

□ *LBO staff: Clifford R. Marsh, Budget/Policy Analyst*

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