



Revenues	- 0 -	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
<b>Services for Rehabilitation Fund (Fund 4L1)</b>			
Revenues	- 0 -	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
<b>Drug Abuse Resistance Education Programs Fund (Fund 4L6)</b>			
Revenues	- 0 -	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase
<b>Trauma and Emergency Medical Services Grants Fund (Fund 83P)</b>			
Revenues	- 0 -	Potential minimal gain	Potential minimal gain
Expenditures	- 0 -	Potential minimal increase	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2003 is July 1, 2002 – June 30, 2003.

- This fiscal note assumes a January 1, 2004 effective date.

EXPENDITURES:

**Bureau of Motor Vehicles (BMV):**

- The payment plan option will also impose additional administrative duties for the BMV and thus will **lead to an increase in its annual operating costs**. The size of that increase in annual BMV operating expenditures is difficult to estimate because the number of offenders that must utilize a payment plan is unknown.
- The Ohio Sentencing Commission estimates there will be a reduction in the number of speeding related court cases, therefore a **cost reduction may occur**.
- Related to the forfeiture of an individual’s driver or commercial driver license, the courts assess and collect a \$15 processing fee which is remitted to the BMV to help defray the costs associated with terminating a forfeiture. It is estimated that 45,000 additional transactions (representing a 33% workload increase) will require work by BMV staff requiring one additional staff person at an **annual cost of \$40,000**.

**Ohio State Highway Patrol:**

- Potential additional **one-time costs ranging from \$183,500-\$448,000** (50% in FY 2003 and 50% in FY 2004) are estimated associated with an assumption that training of law enforcement personnel would be required once SB 123 is enacted due to the broad scope of the changes in Ohio’s traffic laws. The range accounts for a decentralized training option versus a centralized training option.
- **Office of the Attorney General:** If moneys are appropriated or if there are any other funds available, the Attorney General (in conjunction with the Department of Public Safety and the Ohio Criminal Sentencing Commission) is required to develop, print and distribute training materials for the Ohio Department of Public Safety, law enforcement, and other appropriate persons for the implementation of this act. Potential **one-time costs of \$211,000** are estimated and may occur completely or partially in FY 2003 or any future fiscal year.

Apparently the Attorney General would be responsible for determining whether “there are any funds available.” However, it is not specified at what point in time this would be determined. If no funds are determined to be available and if no funds are appropriated, LSC assumes that each law enforcement agency requiring training materials will fund them individually. Since prices could vary, total training material costs could be greater or less than the \$211,000 originally estimated when it was assumed the Attorney General would provide them.

REVENUES:

- **The Bureau of Motor Vehicles (BMV), Indigent Drivers Alcohol Treatment Fund, Victims of Crime/Reparations Fund, Statewide Treatment and Intervention Fund, Services for Rehabilitation Fund, Drug Abuse Resistance Education Program (DARE) Fund, Trauma and Emergency Services Grants Fund:**

Reinstatement Fees:

- Revenues are distributed through the BMV to seven different state funds that will be affected by the new payment plan provision (see Table A). There may be a potential revenue increase **associated with implementing payment plans for reinstatement fees as more individuals may pay these fees if funding them becomes more affordable by being due in increments.** BMV has estimated that around 25 % (roughly 85,000) of those with license suspensions do not pay the reinstatement fee. At this time, however, it is very difficult to predict how many additional offenders will pay their reinstatement fee because of the payment plan option.

***Local Fiscal Highlights***

LOCAL GOVERNMENT	FY 2002	FY 2003	FUTURE YEARS
<b>Counties - Training Costs</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase of \$432,600 - \$919,300 or more	- 0 -
<b>Counties and Municipalities - Court Expenditures</b>			
Revenues	- 0 -	Potential gain	Potential gain
Expenditures	- 0 -	Potential increase	Potential increase
<b>Municipalities and Townships - Training Costs</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential increase of \$2,265,100 - \$2,962,100 or more	- 0 -

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- This fiscal note assumes a January 1, 2004 effective date, however, it is assumed training will occur during FY 2003 for local governments.

## EXPENDITURES:

- Training: Total additional **one-time costs of \$432,600 - \$919,300** for counties and **\$2,265,100 - \$2,962,100** for other local governments are estimated associated with an assumption that training of law enforcement personnel would be required once S.B. 123 is enacted due to the broad scope of the changes in Ohio's traffic laws.
- Training Materials: If moneys are appropriated or if there are any other funds available, the Attorney General (in conjunction with the Department of Public Safety and the Ohio Criminal Sentencing Commission) is required to develop, print and distribute training materials for the Ohio Department of Public Safety, law enforcement, and other appropriate persons for the implementation of this act. Apparently the Attorney General would be responsible for determining whether "there are any funds available." However, it is not specified at what point in time this would be determined. **If no funds are determined to be available and if no funds are appropriated, LSC assumes that each law enforcement agency requiring training materials will fund them individually.** Since prices could vary, total training material costs could be greater or less than the \$211,000 originally estimated when it was assumed the Attorney General would provide them.
- Criminal Justice Systems: Local criminal justice systems operated by counties and municipalities may experience an increase in annual expenditures related to the criminal prosecution and sanctioning of those who violate the bill's wrongful entrustment provision. In addition to any fines and local court costs, those convicted must pay state court costs. For a misdemeanor conviction, this cost is \$20 (\$9 to the Victims of Crime Fund and \$11 to the GRF).

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## ***Detailed Fiscal Analysis***

Senate Bill 123 creates many changes associated with Ohio's current traffic laws. The following analysis summarizes some of the more significant areas of the proposed legislation and was developed with information from staff representing: the Department of Public Safety, the Department of Natural Resources, the Department of Health, the Department of Transportation, the Ohio Judicial Conference, the Ohio Municipal League, the County Commissioner Association of Ohio, the Ohio Criminal Sentencing Commission, the Ohio Municipal and County Court Judges Association, and the Juvenile Judges Association. The following specific areas are addressed:

1. **Driver License Suspensions**
2. **Speeding**
3. **Operating a Vehicle Under the Influence**
4. **Vehicle Impoundment, Immobilization, and Forfeiture Procedures**
5. **Wrongful Entrustment**
6. **Financial Responsibility**
7. **Other Traffic Proposals**
8. **Federal Funding Sanction Issues**
9. **Training**

## General Assumptions:

1. In general, the bill would be effective January 1, 2004.
2. The renaming of the “operating a motor vehicle under the influence” (OMVI) provisions to “operating a vehicle under the influence” (OVI) will not require that all forms, suspension notices and literature have to be rewritten and reprinted to accommodate this change. If it does, additional costs would result.

## (I) Driver License Suspensions

- **Bureau of Motor Vehicles (BMV):** Minimal cost increases are estimated. The BMV anticipates doubling their current caseload associated with the changes proposed related to the new “limited” driving privileges (see #1 on page 5) from approximately 5,100 cases to 10,200 cases however, does not anticipate costs that will require additional resources as a result. The bureau estimates minimal costs from necessary form changes and data processing system changes.
- **Court System:** Costs and savings are estimated to offset each other. A minimal reduction in cases may occur due to various provisions anticipated to reduce the number of cases associated with individuals driving after their licenses have been suspended. However, there may also be an increase in workload associated with shifting the suspension procedure from the BMV to the courts. Under S.B. 123, BMV could not grant driving privileges for administrative suspensions; only the courts or statutes could allow this.

## Notable Provisions Factored into the Cost Estimate Analysis:

1. Limited driving privileges would allow for the expansion of existing occupational driving privileges for other purposes during suspensions. These purposes would include: occupational, educational, vocational, and medical reasons, taking a driver license exam, attending court-ordered treatment or other court ordered purposes. The court is responsible for designating the times, places and purposes of the privileges.
2. Restructuring Suspensions: S.B. 123 specifies suspension durations for various offenses that currently have indefinite suspension periods, including: delinquent and unruly children; carrying a gun to school; failure to appear after using a driver’s license as bond; and as a condition of adult probation. S.B. 123 also changes the suspension period by increasing the suspension for various motor vehicle violations, including: reckless operation; creating substantial risk to children; consuming liquor in a car or obtaining liquor under age; a second offense of misrepresenting one’s age to obtain liquor; and a juvenile drug abuse offense or disorderly conduct while voluntarily intoxicated. S.B. 123 streamlines suspension related terms by removing “forfeit” and “revoke” and clearly defining “suspend” and “cancel.”

The specification of suspension durations and changing the suspension period under S.B. 123 will have minimal impact to the state and local governments. The courts may experience minimal administrative costs associated with the assessment of points for a particular offense and costs for forwarding to the Registrar the suspended license or permit together with notice of the action of the

court. The BMV may also experience minimal administrative costs from the Registrar sending a written notice to an individual reporting the specific violation and the number of points charged.

S.B. 123 provides the following suspension lengths organized by class, imposed by courts, and the BMV (*the Appendix for the Legislative Service Commission’s Bill Analysis for S.B. 123 provides a detailed description of the basis of suspension and a comparison of the length of suspension under current law versus S.B. 123*).

<u>Suspension class imposed by the court:</u>	<u>Suspension class imposed by the BMV:</u>
Class 1 – lifetime	Class A – 3 years
Class 2 – three years to life	Class B – 2 years
Class 3 – two to ten years	Class C – 1 year
Class 4 – one to five years	Class D – 6 months
Class 5 – six months to three years	Class E – 3 months
Class 6 – three months to two years	Class F – until conditions are met
Class 7 – not to exceed one year	

3. Costs may decrease and fine revenues may increase. Driving Under Suspension (DUS) offenses would continue to be misdemeanors of the 1<sup>st</sup> degree, but for someone who fails to reinstate once a suspension period is over, this would result in a misdemeanor of the 3<sup>rd</sup> degree. Driving without a valid license would remain a minor misdemeanor if the license was expired less than six months, however, would be a misdemeanor of the 4<sup>th</sup> degree if expired more than six months. It appears that these provisions may reduce costs associated with court appearance requirements for law enforcement and the courts. In addition, revenues may potentially increase due to the decreased penalties and associated decreased fines resulting in more offenders being able to pay.

*Table 1: Current Law Misdemeanor Penalties*

Category:	Maximum Sentence:	Maximum Fine:	Court Appearance
Misdemeanor of the 1 <sup>st</sup> Degree	6 months	\$1,000	Yes
Misdemeanor of the 2 <sup>nd</sup> Degree	90 days	\$750	Yes
Misdemeanor of the 3 <sup>rd</sup> Degree	60 days	\$500	Yes
Misdemeanor of the 4 <sup>th</sup> Degree	30 days	\$250	Yes
Minor Misdemeanor	None	\$100	No

4. Current law prohibits a mayor’s court from hearing a second offense of driving while under suspension if the accused has been found guilty of the offense within the last *five* years. Current law also prohibits a mayor from hearing a charge of driving while under the influence of alcohol if the accused has been found guilty of the offense within the last *six* years. The bill harmonizes these two provisions to state that a mayor of a municipal court does not have jurisdiction to hear either driving while under the influence or driving under suspension cases if the accused has been previously convicted

of either offense within the last *six* years. By expanding the driving while under suspension provision another year; mayor's courts will have a decrease in such cases that might have otherwise occurred in that year. Also, mayor's courts will experience some small revenue loss from the decrease in such cases being heard. The bill would require these cases to be heard in the municipal court of the appropriate county. This would generate some small increase in expenditures to municipal courts, which would most likely be offset by a revenue gain from fines and court costs. Given these parameters, it is very difficult to estimate with any precision how many cases this might affect, therefore determining the exact cost is prohibitive. Nevertheless, based on the number of mayor's courts around the state, it appears that this change is unlikely to produce any more than a minimal burden to any one county or political subdivision.

5. Current law allows a remedial driving course to be used only one time to create a two-point credit against a driver record. Under the bill, a remedial course could be taken a maximum of five times during an individual's lifetime. In addition, during any three-year period the registrar shall approve only one two-point credit on a driving record. This may reduce the number of driving related suspensions and the fiscal effects may reduce related costs and revenues for the Department of Public Safety.

## **(II) Speeding**

- **Bureau of Motor Vehicles (BMV):** Minimal cost increases are estimated. Currently, the Bureau of Motor Vehicles is required to automatically suspend an individual's driver license for six months once 12 points have been accumulated within a two-year period. Approximately 23,000-28,000 cases are established by the BMV per year. There may be a possible increase in the number of licenses suspended due to point accumulation that will increase workload and costs to the BMV. On the other hand, the Ohio Sentencing Commission estimates that there will be a reduction in the number of 12-point suspension cases, therefore, savings may occur.
- **Ohio State Highway Patrol (OSHP):** Minimal cost savings are estimated. S.B. 123 simplifies the current process by reducing the penalties associated with second speeding offenses from a misdemeanor of the 4<sup>th</sup> degree (requiring a court appearance) to a minor misdemeanor (not requiring a court appearance). As a result, sworn officers should spend less time in court associated with some types of violations.
- **Local Law Enforcement:** Minimal costs savings are estimated due to less court overtime.

**Courts:** It is estimated by the Ohio Sentencing Commission that there will be a reduction in court operating costs for second time offenders. It is assumed there will be a net reduction in 12-point suspensions however, individuals who speed at a lower speed will accumulate points more slowly while individuals who speed at higher speeds will accumulate points more quickly.

### Notable Provisions Factored into the Cost Estimate Analysis:

1. Points would be assessed based upon the speed over the limit an individual traveled rather than also factoring in the number of convictions. Therefore, a standard and consistent penalty would result from a specific speeding action.

2. Costs and fine revenues may decrease. Under S.B. 123, a second speeding offense within one year would be a minor misdemeanor (no jail time, a maximum \$100 fine, no court appearance required) rather than a misdemeanor of the 4th degree (30 days maximum jail time, a maximum \$250 fine, and a required court appearance). As a result, cases may generate savings for law enforcement and the courts because fewer individuals who commit this violation will be required to make a court appearance and will not be sentenced to jail. Revenue impacts were not determinate at this time, however, individuals currently charged with this violation may pay a fine up to \$250 and under S.B. 123 they may pay a fine up to \$100 so, it is possible fine revenues will decrease. However, an alternative perspective is that revenues may increase due to lowering the fine levels thereby increasing an offender’s ability to pay.

**(III) Operating a Vehicle Under the Influence (OVI) Provisions**

Notable Provisions Factored into the Cost Estimate Analysis:

1. A new offense is created (referred to as “having physical control of a vehicle while under the influence”) related to being intoxicated behind wheel while possessing the ignition key or an ignition device.

This provision would result in changing the plea bargain individuals currently make for this activity from a misdemeanor of the 4<sup>th</sup> degree for “reckless operation” to a misdemeanor of the 1<sup>st</sup> degree for “having physical control.” As a result, the Ohio Sentencing Commission estimates fewer driver license suspensions may occur since driver license suspensions are not mandatory with this new offense however, more jail days may be assessed as the maximum sentence will have increased from 30 days to six months. The reduction in suspensions may reduce reinstatement fee revenues. Alternatively, the maximum fine will have increased from \$250 to \$1,000. It is unknown whether the net revenue impact will increase or decrease. It has been suggested that this charge may be used as a plea bargaining option if a Driving Under the Influence charge is more difficult to prove. The Ohio Sentencing Commission estimates the fiscal impacts of this change would be minimal.

*Table 2: Current Law for some Misdemeanor Penalties*

Category:	Maximum Sentence:	Maximum Fine:	Court Appearance
Misdemeanor of the 1 <sup>st</sup> Degree	6 months	\$1,000	Yes
Misdemeanor of the 4 <sup>th</sup> Degree	30 days	\$250	Yes

2. The bill permits a court, in a case where an offender must pay reinstatement fees following a license suspension, to establish a payment plan using either of the following methods: (1) a payment plan of not less than \$50 per month until all reinstatement fees are paid in full to the BMV, or (2) a payment extension of no more than 180 days. The plan would apply only to offenders who otherwise would be entitled to drive, if not for the reinstatement fees.

The intent of the proposed change is to decrease the number of persons who are arrested for Driving Under Suspension (DUS), which will decrease local criminal justice system costs associated with prosecuting and sanctioning the DUS offenders under current law. The payment plan provision, if enacted, will also result in a gain in the total amount of annual reinstatement revenue collected by the BMV, as presumably more offenders would pay the fee.

The driver's license reinstatement fee revenue is distributed in varying proportions among seven specific state funds as outlined in Table A: State Fiscal Effects by Fund. It is important to note that this fiscal note assumes that the bill will not result in an increase in the number of OVI convictions, therefore, it will not increase the amount of driver's license reinstatement fee revenue owed to the BMV. That said, however, the current system does not allow for partial payments, thus the change will produce an increase in annual expenditures for the BMV related to establishing a system of tracking each affected offender's payment plan and the need for additional staff at some BMV locations to handle the new payment plan.

Reinstatement fees range from \$30 to \$425. In calendar year 2000, 54,835 license suspensions were drinking and driving suspensions, which require a \$425 reinstatement fee. Another 86,223 suspensions were violations of driving without a license, 32,681 were violations of driving under suspension, and 19,986 involved financial responsibility suspensions. The BMV has estimated that around 25 % (roughly 85,000) of those with license suspensions do not pay the reinstatement fee. At this time, however, it is very difficult to predict how many additional offenders will pay their reinstatement fee because of the payment plan option.

Because it is a court's discretion that determines whether or not an offender will be on a payment plan, LSC fiscal staff cannot estimate the resulting workload increase and the number of additional staff BMV will need. Currently, a staff of approximately four cashiers process mailed in reinstatement fees and three employees called balancers, audit cashier terminals. The starting salary and benefits for a cashier is around \$34,441, while that of a balancer is around \$37,356 annually. LSC fiscal staff assume that the payment plan will produce the need for additional cashiers and balancers, however, because a court must make the determination of whether an offender should be assigned to a payment plan, and because it is difficult to determine how much additional reinstatement money will be collected, we cannot determine how many additional staff will be needed. Additionally, we cannot estimate the maintenance and/or equipment costs that may also be required to establish and maintain a payment plan system.

3. Certified lab reports could be used in lieu of expert testimony (unless a defendant objects) and intoxication levels for blood serum and plasma would be set. These provisions should reduce costs, as fewer expert witnesses will be necessary for court cases. Currently, approximately 90% of tests are done using breath as the testing substance; urine is tested next most often and blood is usually only taken when an individual's condition is such that no other means is possible (i.e. after an individual is unconscious).

#### **(IV) Vehicle Impoundment, Immobilization, and Forfeiture Procedures**

Existing law requires the immobilization and impoundment or forfeiture of a vehicle involved in an offender's second or subsequent OMVI offense in six years, regardless of whether the offender is the owner of the vehicle. The bill modifies this procedure to conform to the changes it makes in the state OVI penalty provisions. Under the bill, immobilization and impoundment apply only if the vehicle is registered in the offender's name. This change will result in a decrease in the number of impounded vehicles. Fewer impounded vehicles will result in less time in court for offenders and/or "innocent owners" trying to regain ownership, which should produce, at most, a minimal reduction in local adjudication costs.

The Department of Public Safety reported that, in calendar year 2000, the total number of second or subsequent OMVI incidents, and therefore vehicles impounded for OMVI offenses, was 27,339. Of the 27,339 impounded vehicles, 16,877 had no plate number and thus its owner was not known at the time of the infraction. Another 5,832 were registered to someone other than the driver, and 4,630 were registered to the driver. We do not know how many of the "no plate number" vehicles were registered to someone other than the offender. Therefore, at best, we can estimate that a minimum of around 6,000 fewer vehicles will be impounded as a result of the bill.

The costs involved in towing vary by jurisdiction and by the reason for the impoundment of the vehicle. Some police divisions have their own tow truck and impound lot, while others contract with private towing companies. Currently, the registered driver is responsible for paying the towing and storage fees to retrieve the vehicle, unless the court finds that the owner is innocent of knowing that the driver intended to use the vehicle.

#### **(V) Wrongful Entrustment**

The bill: (1) renames the offense of "permitting the operation of a vehicle by a person with no legal right to operate a vehicle" to the offense of "wrongful entrustment," and (2) prohibits a person from allowing another person from operating a motor vehicle if: (1) the offender knows or has reasonable cause to believe that the other person does not have a valid driver's license, (2) the offender knows or has reasonable cause to believe that the other person is in violation of the state's Financial Responsibility Law, or (3) the offender knows or has reasonable cause to believe that the other person's act of driving would be a violation of the state's OVI. The intent of these provisions is to tighten the language, thereby tightening the offense. LSC fiscal staff cannot estimate, at this time, how many additional cases will be prosecuted.

A violation of wrongful entrustment would be a misdemeanor of the 1st degree and a court would have to impose a Class 7 suspension (a definite period not to exceed one year) of the offender's license. The court must also order a definite period of immobilization of the offender's vehicle, if the vehicle involved is registered in the offender's name. Local criminal justice systems operated by counties and municipalities may experience an increase in annual expenditures related to the criminal prosecution and sanctioning of those who violate the bill's provisions. In addition to any fines and local court costs, those convicted must pay state court costs. For a misdemeanor conviction, this cost is \$20 (\$9 for the Victims of Crime Fund and \$11 goes to the GRF). In addition, offenders must pay a driver's license reinstatement fee, which will result in a gain in revenue to the appropriate funds.

## **(VI) Financial Responsibility**

- **Bureau of Motor Vehicles:** Minimal increased costs are estimated associated with data processing system changes.
- **Court System:** Minimal increased workload associated with this provision is offset by the estimated reduction in “driving under suspension” (DUS) violations.

### **Notable Provisions Factored into the Cost Estimate Analysis:**

1. To reduce the number of Driving Under Suspension (DUS) violations and associated costs, financial responsibility proof of insurance would only have to be filed for three years for individuals with a Class 4, 5, or 6 (lower level) suspension rather than five years for those individuals with a Class 1, 2, or 3 (higher level) suspension.
2. For drivers who show proof of responsibility for the 1<sup>st</sup> and/or 2<sup>nd</sup> offense within five years, the time individuals have to wait to receive “limited driving privileges” is reduced. With proof of financial responsibility, a 1<sup>st</sup> time offender may have no waiting period to drive again and a 2<sup>nd</sup> time offender may have to wait 15 days rather than the current requirement of 31 days. This may also reduce the number of DUS violations, as individuals may be more unlikely to drive while their licenses are suspended if the waiting period is less.

## **(VII) Other Traffic Proposals**

- **Court System: \$15 Processing Fee:** Minimal cost savings are estimated associated with reduced administrative costs. Related to the forfeiture of an individual’s driver or commercial driver license, the courts assess and collect a \$15 processing fee which is remitted to the BMV to help offset the costs associated with terminating a forfeiture. S.B. 123 would change the administrative process to have the fee be paid directly to the BMV rather than to the courts. This process currently requires the courts to then remit the funds to the BMV. Administrative costs may be slightly reduced associated with courts processing fewer checks.

Court Record Abstracts: Administrative costs are estimated to increase associated with the requirement that abstracts of court records must be sent to the BMV for dismissed and reduced cases. Under current law only conviction information is forwarded to the BMV. The courts would be required to send abstracts associated with all cases to the BMV within ten days. This would increase administrative costs of the courts.

- **Bureau of Motor Vehicles: \$15 Processing Fee:** A \$40,000 cost increase is estimated associated with the \$15 processing fee. Current annual volumes of these cases are 90,000. It is estimated 50% of these cases would pay the \$15 at the time reinstatement fees are paid at enforcement agencies or through the mail. Therefore, 45,000 additional transactions (representing a 33% workload increase) will require work by BMV staff. As a result, an associated need of one additional **staff person at an annual cost of \$40,000 is estimated.**

Court Record Abstracts: A minimal cost increase is estimated. The BMV currently records convictions on driver records. Most courts currently send these records electronically. The bureau does not estimate a significant cost increase associated with additional records being sent to them.

Notable Provisions Factored into the Cost Estimate Analysis:

Stated above.

**(VIII) Federal Funding Sanction Issues**

Notable Provisions Factored into the Cost Estimate Analysis:

1. Driver License Sanctions for Non-Payment of Child Support: Federal law requires the sanctioning of driving privileges associated with non-payment of child support. A provision in S.B. 123 repeals current law related to the Bureau of Motor Vehicles (O.R.C. sec.4507.111) sanctioning the driving privileges of those individuals who have not paid child support. However, existing language within the statutes governing the Department of Human Services (O.R.C. sec.2301.374(C)) continues to require the Bureau of Motor Vehicles to sanction driver license privileges for non-payment of child support. Therefore, no federal funding sanctions associated with this provision are estimated.
2. Allowing Driving Privileges After a Driver License Suspension Associated with Drug Use: According to the Code of Federal Regulations, Title 23, Section 192.4 the U.S. Secretary of Transportation must sanction of portion of a state's highway apportionments if a state does not meet certain requirements. Currently, states are required to revoke or suspend an individual's driver license, for at least six months, for a person who commits a drug offense.

A provision of S.B. 123 amends current law to allow judges to allow driving privileges to those individuals who have had their driving privileges suspended due to drug related violations. Per a 1996 communication from the Federal Highways Administration, states are allowed to make exceptions to the federal requirements associated with drug use affecting driving privileges. Therefore, no federal funding sanctions are estimated.

**(IX) Training Costs**

Appropriations

If moneys are appropriated or if there are any other funds available, the Attorney General (in conjunction with the Department of Public Safety and the Ohio Criminal Sentencing Commission) is required to develop, print and distribute training materials for the Ohio Department of Public Safety, law enforcement, and other appropriate persons for the implementation of this act. Potential **one-time costs of \$211,000** are estimated and may occur completely or partially in FY 2003 or any future fiscal year.

Apparently the Attorney General would be responsible for determining whether "there are any funds available." However, it is not specified at what point in time this would be determined. If no

funds are determined to be available and if no funds are appropriated, LSC assumes that each law enforcement agency requiring training materials will fund them individually. Since prices could vary, total training material costs could be greater or less than the \$211,000 originally estimated when it was assumed the AG would provide them.

Many provisions of the bill would be effective on January 1, 2004. Training will need to be in effect at this time in order to properly enforce the newly effective laws. Therefore, no additional funds are believed to be necessary for future training endeavors. Instead, the new law changes will automatically become a part of law enforcement training measures.

### Training Programs

The Ohio State Highway Patrol and the Department of Public Safety believe that either of two possible training alternatives could be utilized to properly train law enforcement officers across the state of Ohio. The first method, Alternative 1, takes a decentralized approach, with officers across the state trained separately. Alternative 2 takes a more comprehensive approach and places the Attorney General's office and the Department of Public Safety as coordinators of the training program. The two training programs are described below:

#### ***Alternative 1: Estimated Costs for Decentralized Training***

The following information assumes a decentralized training program where each group would train their staff and would not be responsible for a comprehensive statewide effort.

#### **Local Law Enforcement:**

The following cost estimate ranges from **\$2,968,100 - \$3,881,400** and assumes the following:

1. Individuals will be required to take an additional 6.5 hours per year of training related to S.B. 123 provisions if they become law.
2. Overtime (time and ½) would be used for individuals to attend training.
3. An additional 2 hours may be necessary for travel time if training is done in a coordinated effort for and by local law enforcement rather than locally.
4. Material costs are included in the Attorney General's Office section.
5. 1998 data from the Sourcebook of Criminal Justice Statistics reports 1996 statistics that there are approximately 21,100 local law enforcement officers.

#### **Attorney General's Office:**

If moneys are appropriated or if there are any other funds available, the Attorney General (in conjunction with the Department of Public Safety and the Ohio Criminal Sentencing Commission) is required to develop, print and distribute training materials for the Ohio Department of Public Safety, law enforcement, and other appropriate persons for the implementation of this act. Potential one-time costs of \$211,000 are estimated and may occur completely or partially in FY 2003 or any future fiscal year.

1. Apparently the Attorney General would be responsible for determining whether “there are any funds available.” However, it is not specified at what point in time this would be determined. If no funds are determined to be available and if no funds are appropriated, LSC assumes that each law enforcement agency requiring training materials will fund them individually.

#### **Ohio State Highway Patrol:**

Increased costs of **\$183,500** assume the following:

1. Approximately 1,500 sworn officers would require approximately 4 hours of training. Additional costs associated with training materials are not included.
2. This estimate does not include assumptions associated with training additional individuals beyond the 1,500 sworn officers and does not include costs associated with a statewide information campaign.

#### **Bureau of Motor Vehicles:**

Minimal increased costs are anticipated.

#### **The Department of Natural Resources and the Ohio Judicial Conference:**

No increased costs are anticipated. These groups already have training in place and anticipate being able to include any new training associated with this legislation into their existing program.

#### ***Alternative 2: Centralized Training***

#### **Department of Public Safety and Local Law Enforcement:**

An alternative would be to assume that the Ohio State Highway Patrol/Department of Public Safety (OSHP/DPS) would take responsibility for coordinating a statewide training effort for all affected parties. Alternative 2 assumes:

1. Two DPS staff (one staff attorney and an additional staff person) would travel the state for approximately four months to provide training locally to those groups requiring training at an **estimated cost of \$50,000** for their time and travel costs.
2. 2,500 individuals would actually attend the training (and would then provide training for their co-workers). **Costs for approximately 23,800 individuals statewide are included.**
3. Patrol post sites could be used and, if not, minimal building rental costs may be necessary.
4. Training is estimated at 4-8 hours including time for the possibility that individuals may have to drive up to an hour to reach training sites.

#### **Attorney General’s Office:**

If moneys are appropriated or if there are any other funds available, the Attorney General (in conjunction with the Department of Public Safety and the Ohio Criminal Sentencing Commission) is required to develop, print and distribute training materials for the Ohio Department of Public Safety, law enforcement, and other appropriate persons for the implementation of this act. Potential one-time costs of \$211,000 are estimated and may occur completely or partially in FY 2003 or any future fiscal year.

Apparently the Attorney General would be responsible for determining whether “there are any funds available.” However, it is not specified at what point in time this would be determined. If no funds are determined to be available and if no funds are appropriated, LSC assumes that each law enforcement agency requiring training materials will fund them individually.

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