

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3811H.011  
 Bill No.: HB 1654  
 Subject: Crimes and Punishment; Drunk Driving/Boating; Courts; Motor Vehicles;  
 Attorneys; Counties; Saint Louis City  
 Type: Original  
 Date: February 5, 2024

Bill Summary: This proposal establishes provisions relating to diversion for criminal cases involving driving under the influence of alcohol.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue	More or Less than (\$621,484)	More or Less than (\$203,082)	More or Less than (\$206,243)
<b>Total Estimated Net Effect on General Revenue</b>	<b>More or Less than (\$621,484)</b>	<b>More or Less than (\$203,082)</b>	<b>More or Less than (\$206,243)</b>

\***Oversight** notes DOR would have a one-time IT cost of \$297,562 and a one-time administrative cost of \$151,889 in FY 2025.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
General Revenue	Could exceed 3 FTE	Could exceed 3 FTE	Could exceed 3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>Could exceed 3 FTE</b>	<b>Could exceed 3 FTE</b>	<b>Could exceed 3 FTE</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§302.457, 557.014 & 557.015 – Diversion for Driving Under the Influence of Alcohol

Officials from the **Department of Revenue (DOR)** assume the following regarding this proposal:

#### Administrative Impact

Extensive programming to the current Missouri Driver License (MODL) system would be required to enter court ordered diversion information received from the prosecuting attorney and notifying the program participant of their compliance requirements through system generated notices.

This proposed language is requiring the DOR to be notified of violations from the ignition interlock device for program participants. The DOR does not currently receive or maintain record of violations. Currently, the DOR requires the approved Missouri manufacturers to track and maintain this data and only certify a driver once they have successfully completed the required monitoring time-period. These legislative changes would require the DOR to track and interpret this data specifically related to this diversion program. There are currently five (5) approved manufacturers in Missouri. Multiple new electronic file exchanges to each manufacturer would need to be developed to exchange data daily between the DOR and each manufacturer. This would require an additional file reporting violations to be developed and electronically exchanged for each approved manufacturer. Multiple reports would need to be generated to ensure the integrity of the data and meet the current DOR auditing processes.

Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program, the DOR will evaluate the conviction as a second offense. This would cause the point value related to the conviction to increase from 8 points to 12 points and add an ignition interlock (IID) requirement for reinstatement. This also would require changes made to the five and ten-year denial evaluation routine.

In FY23, the DOR received 30,893 DWI reports making the potential for offenders enrolled into this diversion program to be extensive. If 50% of offenders were accepted into this new program, the DOR would receive approximately 15,447 court orders notifying enrollment. DOR would require a new team of personnel to receive these enrollments, track and process the compliance paperwork, manage the vendor relationships with IID changes, and develop/implement a continuous monitoring process for any device violations and court actions for program participants.

A customer service representative can process 224 court-ordered documents per day. The DOR anticipates receiving approximately 59 each day, which would require one additional staff member for processing.

Associate Customer Service Rep. (\$2,826 month)  
FY25 = \$28,260 (10 months)  
FY26 = \$33,912  
FY27 = \$33,912

In addition to a processing FTE, the DOR anticipates the need for an additional FTE for call center inquiries.

Customer Service Representative – Zone 3 (\$3,426 month)  
FY25 = \$34,260 (10 months)  
FY26 = \$41,112  
FY27 = \$41,112

The DOR estimates a need for at least one FTE to oversee the implementation and management of this new program. This position would require a more robust skill set including knowledge of court and administrative process, customer and vendor relationship management, and quality assurance tracking and reporting.

Customer Service Rep. (\$3,052 month)  
FY25 = \$30,523 (10 months)  
FY26 = \$36,627  
FY27 = \$36,627

**Oversight** does not have information to the contrary and therefore, Oversight will reflect the estimates for three FTEs as provided by DOR.

**DOR** also notes to implement the proposed legislation, the DOR will be required to:

- Complete business requirements and design documents to modify the Missouri Driver License System (MODL)
- Complete programming and user acceptance testing for the new diversion program for driving privileges, IID violations and tracking of the violations, dismissed charges of the program, criminal cases imposed and their penalties on the drivers.
- Testing with the ignition interlock manufacturers of the new file exchanges
- MODL generated notices
- CTG programming
- Conviction routine evaluation
- Update policies, procedures, reports, forms, and the DOR website
- Update Code of Regulation
- Training for employees

FY 2025 – Driver License Bureau (testing of forms and website updates)

Research/Data Analyst 1300 hrs. @ \$28.89 per hr. = \$37,557  
Research/Data Assistant 1300 hrs. @ \$19.38 per hr. = \$25,194  
Administrative Manager 1000 hrs. @ \$31.36 per hr. = \$31,360  
Total = \$94,111

FY 2025 – Strategy and Communications Office (forms and website updates)

Associate Research/Data Analyst 336 hrs. @ \$23.15 per hr. = \$ 7,778

The costs associated with these legislative changes may be outside of the current contract and identified programming work for our incoming integrated system. As such, the DOR has included the potential costs associated with making the changes to the integrated system by the DOR's current vendor.

FY 2025 – Motor Vehicle and Driver Licensing Integrated System Vendor

Implementation Consultant 200 hrs. @ \$250 per hr. = \$50,000

Total= \$151,889

**DOR** notes the fiscal impact estimated above is based on changes in the current DOR's Motor Vehicle and Driver Licensing system environment. The implementation of this legislation will be coordinated with the integration of the DOR's Motor Vehicle and Driver Licensing software system approved and passed by the general assembly in 2020 (Senate Bill 176). To avoid duplicative technology development and associated costs to the state, it is recommended a delayed effective date be added to this bill to correlate with the installation of the new system.

**DOR** notes OA-ITSD services will be required at a cost of \$297,562 in FY 2025 (2,833.92 hours x \$105 per hour).

**Oversight** does not have any information to the contrary in regards to DOR's assumptions; therefore, Oversight will reflect DOR's OA-ITSD costs on the fiscal note.

Administrative Impact General Counsel's Office (GCO)

**DOR** notes if the increase is more significant than anticipated or additional laws are passed that impact the General Counsel's Office (GCO), additional FTE or Attorneys may be requested through the appropriations process. It is unclear how many individuals/attorneys will inquire through GCO regarding client questions regarding installation/suspension of the IID or how many individuals will appeal to the Circuit Court once their IID has been cancelled or suspended. **Oversight** will reflect DOR's anticipated costs as "could exceed". Also, 302.457.5(3), the participant in the program must "pay a fee, determined by the department that is sufficient to cover the costs of administration of this section". Oversight will reflect an unknown amount of income into General Revenue from this provision.

In response to similar legislation from 2023, HB 346, officials from the **Office of the State Courts Administrator (OSCA)** assumed there may be some impact but there is no way to quantify that currently. During the fiscal years 2017 through 2021, the average number of alcohol related case filings of 18,680 potentially could be impacted. Any significant changes will be reflected in future budget requests.

**Oversight** assumes OSCA is provided with core funding to handle a certain amount of activity each year. Oversight assumes OSCA could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OSCA could request funding through the appropriation process.

Officials from the **Department of Corrections**, the **Missouri Highway Patrol**, the **Missouri Department of Transportation**, the **Office of the State Public Defender** and the **Missouri Office of Prosecution Services** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other counties, county prosecutors and St. Louis City were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE FUND</b>			
<u>Income</u> – DOR – Fees charged to program participants §302.457.5(3)	Unknown	Unknown	Unknown
<u>Costs - DOR</u>	Could exceed...	Could exceed....	Could exceed...
Personnel Service	(\$93,043)	(\$113,884)	(\$116,162)
Fringe Benefits	(\$73,611)	(\$89,198)	(\$90,081)
Expense & Equipment	(\$5,379)	\$0	\$0
Administrative Costs	(\$151,889)	\$0	\$0
ITSD Costs	(\$297,562)	\$0	\$0
<u>Total Costs -</u>	<u>(\$621,484)</u>	<u>(\$203,082)</u>	<u>(\$206,243)</u>
FTE Change	3 FTE	3 FTE	3 FTE
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>More or Less than (\$621,484)</u></b>	<b><u>More or Less than (\$203,082)</u></b>	<b><u>More or Less than (\$206,243)</u></b>
Estimated Net FTE Change on the General Revenue Fund	Could exceed 3 FTE	Could exceed 3 FTE	Could exceed 3 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT – Small Business

Small businesses that provide ignition interlock device services could be impacted as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes a criminal case diversion program specifically for cases involving driving under the influence. In such cases, the current diversion program available to prosecutors will not apply; instead, the provisions of this bill shall apply. A prosecutor may divert a criminal case involving driving under the influence if certain requirements, specified in the bill, are met and the defendant consents. Such diversion may continue for up to two years, and the defendant may be ordered to comply with appropriate terms, conditions or programs.

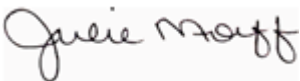
One such requirement is the installation of an ignition interlock device for a period of no less than 12 months on any vehicle the defendant operates, and the defendant will be prohibited from operating a vehicle that is not equipped with an ignition interlock device. The installer of the ignition interlock device must notify the Department of Revenue if the device is removed or indicates that a person has attempted to remove, bypass, or tamper with the device; if the person fails three or more times to comply with any requirement for the maintenance or calibration of the device; or if the device registers a failed start. If the person has a failed start within the last 60 days of the required period of installation of the device, the term will be extended for 90 days.

If the defendant complies with the terms and conditions of the diversion program, the action against the defendant will be dismissed, the dismissal will be recorded, and the record will be transmitted to the Department of Revenue. If the defendant does not comply with the terms and conditions, a hearing will be held after notice to the defendant to determine whether the criminal proceedings will be reinstated. Any defendant found guilty of an intoxication-related traffic offense who has previously utilized the DWI diversion program will be considered a prior offender as defined in Section 577.001, RSMo, if the prior offense occurred within five years of the intoxication-related offense for which the person is charged. Finally, for the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under Section 577.001, a criminal case diverted to a DWI diversion program will be counted as one intoxication-related traffic offense.


This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Department of Revenue  
Office of the State Courts Administrator  
Department of Corrections  
Missouri Highway Patrol  
Missouri Department of Transportation  
Office of the State Public Defender  
Missouri Office of Prosecution Services



Julie Morff  
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