

Department of Legislative Services
 Maryland General Assembly
 2001 Session

FISCAL NOTE

House Bill 63 (Delegate Boutin)
 Judiciary

Drunk and Drugged Driving - Alcohol and Drug Abuse Evaluations - Conditions of Probation

This bill requires a defendant awaiting trial on an alcohol or drug-impaired driving offense to be evaluated by the Department of Health and Mental Hygiene (DHMH) to determine if the person is in need of and would benefit from treatment. The bill also adds homicide and life-threatening injury by motor vehicle or vessel while intoxicated to the types of offenses for which participation in an alcohol or drug treatment or education program is a mandatory requirement for probation or a suspended sentence.

Fiscal Summary

State Effect: General fund expenditures would increase by \$1.3 million in FY 2002 for the hiring of addiction counselors to perform evaluations. General fund expenditures could increase from the drug and alcohol treatment provision if drug and alcohol treatment programs are expanded to specifically serve this population. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,305,000	1,542,000	1,628,000	1,721,000	1,820,000
Net Effect	(\$1,305,000)	(\$1,542,000)	(\$1,628,000)	(\$1,721,000)	(\$1,820,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: A court may order a person who has been charged with or convicted of an alcohol and/or drug-impaired driving offense to undergo a DHMH evaluation.

A person who is convicted of driving while intoxicated or under the influence of alcohol must, as a condition of the probation or a suspended sentence, participate in a DHMH-approved alcohol treatment or education program.

Background: In fiscal 2000, there were 38,463 cases involving drunk and/or drug-impaired driving violations. There were 4,660 convictions for driving while intoxicated, 4,433 convictions for driving while under the influence, and over 100 convictions for other substance-impaired driving offenses. The number of these for which probation was imposed was not readily available.

DHMH evaluates approximately 7,200 of the 9,200 persons convicted of an alcohol and/or drug-impaired driving offense each year. DHMH advises that an employee who is exclusively engaged in conducting these evaluations can conduct two to three a day.

State Fiscal Effect: Any court ordered drug and alcohol assessments would be conducted by the county health departments. Since the bill requires all those awaiting trial to be evaluated, the number of evaluations will increase significantly.

General fund expenditures could increase by an estimated \$1,304,576 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring 40 new addiction counselors statewide to conduct an estimated 31,000 additional alcohol and drug evaluations. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$1,052,113
Equipment	184,200
Operating Expenses	<u>68,263</u>
Total FY 2002 State Expenditures	\$1,304,576

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The bill is silent as to which agency is responsible for funding any treatment that may be recommended. DHMH pays for most in-patient drug and alcohol treatments but driving

while intoxicated and/or driving under the influence education classes are self-pay. Other State agencies that could provide substance abuse treatment to this population include the Department of Juvenile Justice, the Division of Correction, and the Division of Parole and Probation.

Small Business Effect: Many treatment providers are small businesses and non-profit organizations and to the extent that the requirements of this bill result in more individuals seeking treatment these firms will experience a revenue increase. The revenue increase will be somewhat offset by an increase in costs associated with treating additional persons.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Alcohol and Drug Abuse Administration, Community Public Health Administration), Department of Transportation (Motor Vehicle Administration), Judiciary (District Court of Maryland), Department of Legislative Services

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