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HOUSE FISCAL AGENCY

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SB497 AS PASSED BY THE SENATE
Regenmorter

Sponsor Sen. William Van

Committee CRIMINAL JUSTICE

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Completed 10/1/01

State Fiscal Impact

Cost Indeterminate/Increase
Revenues None

Local Fiscal Impact

Cost Indeterminate/Increase
Revenues Indeterminate/Increase

Senate Bills 497 would revise penal code proscriptions against possessing or using a firearm while under the influence of drugs or alcohol; the offense currently is a misdemeanor punishable by up to 90 days in jail, a fine of up to \$100, or both. Under the bill, the offense would be a 93-day misdemeanor subject to a fine of up to \$500. Other provisions would parallel those found in the vehicle code regarding drunk driving: impairment could be demonstrated by a blood alcohol content of 0.08 percent or more, peace officers could require breathalyzer or other tests, and special felony penalties would apply to violations resulting in the serious injury or death of another person.

Senate Bill 498 would provide for felony sentencing guidelines consistent with SB 497. The offense of causing serious impairment would be a Class E crime against a person; recommended minimum sentence ranges for Class E offenses vary from 0 - 3 months (which calls for local sanctions) to 24 - 38 months (a presumptive prison sentence). The offense of causing a death would be a Class C crime against a person; recommended minimum sentence ranges for Class C offenses vary from 0 - 11 months (which calls for local sanctions) to 62 - 114 months (a presumptive prison sentence).

The bills would have an indeterminate fiscal impact on the state and local units of government, depending on how they affected numbers of convictions, sentence types and lengths of imprisonment for convicted offenders, and the collection of penal fine revenues (which are constitutionally dedicated to local libraries).