



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0013 - Revise DUI laws related to admissible tests for presence of drugs (Regier, Keith)

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund - OPD	\$10,000	\$10,000	\$0	\$0
State Special Revenue - MHP	\$36,000	\$36,000	\$36,540	\$37,088
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$10,000)</u>	<u>(\$10,000)</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: SB 13 allows for oral fluid to be used to test for the presence of drugs. The Montana Highway Patrol will incur increased costs for each test they administer. A new form of testing for establishing intoxication levels will need to be vetted by the courts for reliability and admissibility. The Office of Public Defender (OPD) may need to hire scientific experts to litigate the new oral fluid methodology.

FISCAL ANALYSIS

Assumptions:**Department of Justice – Montana Highway Patrol**

1. The Montana Highway Patrol (MHP) currently makes approximately 30% of the DUI stops statewide.
2. Each oral fluid tester costs \$25.

3. MHP estimates 1,240 oral fluid tests would be used each year costing \$31,000. A 1.5% inflationary increase is assumed in FY 2026 and FY 2027.
4. MHP assumes \$5,000 in travel expenses would be incurred to provide training on oral fluid testers around the state.
5. MHP assumes that equipment will need to be updated periodically and that costs will increase with utilization.

Office of the Public Defender (OPD)

6. The OPD may incur costs associated with this bill for expert witnesses until this new process is vetted.
7. The estimated cost is assumed to be \$10,000 each year in the next biennium.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses - OPD	\$10,000	\$10,000	\$0	\$0
Operating Expenses - MHP	\$36,000	\$36,000	\$36,540	\$37,088
TOTAL Expenditures	<u>\$46,000</u>	<u>\$46,000</u>	<u>\$36,540</u>	<u>\$37,088</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$10,000	\$10,000	\$0	\$0
State Special Revenue (02)	\$36,000	\$36,000	\$36,540	\$37,088
TOTAL Funding of Exp.	<u>\$46,000</u>	<u>\$46,000</u>	<u>\$36,540</u>	<u>\$37,088</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$ (10,000)	\$ (10,000)	\$0	\$0
State Special Revenue (02)	\$ (36,000)	\$ (36,000)	\$ (36,540)	\$ (37,088)

NO SPONSOR SIGNATURE

Sponsor's Initials

1/2/23

Date



Budget Director's Initials

12-29-22

Date