

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 08-0737
Prime Sponsor(s): Rep. Marostica
 Sen. Brophy

Date: January 21, 2008
Bill Status: House Judiciary
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TITLE: CONCERNING VIOLATIONS OF TRAFFIC RIGHTS-OF-WAY RESULTING IN BODILY INJURY OR DEATH.

Fiscal Impact Summary	FY 2008-2009	FY 2009-2010
State Revenue		
Cash Funds - Highway Users Tax Fund (HUTF)	<\$5,000	<\$5,000
State Expenditures		
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: Upon signature of the Governor, or becoming law without his signature.		
Appropriation Summary for FY 2008-2009: None.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

The bill creates a new misdemeanor traffic offense, “aggravated right-of-way,” that applies when death or bodily injury has been caused by a violation of traffic rights-of-way. A violation of this new requirement is a class 1 misdemeanor traffic offense.

State Revenue

Under current law, the penalty for a class 1 misdemeanor traffic offense is 10 days to 1 year imprisonment in a county jail, a fine of \$10 to \$1,000, or both. Fine revenue is deposited into the Highway Users Tax Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to state revenue cannot be determined. A minimal amount of fine revenue is assumed under the bill.

State Expenditures

Judicial Branch. Although the bill creates a new misdemeanor traffic offense, it is expected that these cases are already filed as traffic infractions rather than misdemeanor traffic cases. It is anticipated that a minimal number of cases will be filed as a result of the bill. Any increase in workload due to additional misdemeanor traffic cases will be offset by a reduction in traffic infraction cases and is absorbable within existing resources.

Department of Revenue. The creation of this new violation will require a new common code to be added to the driver's license system. This programming is absorbable within existing resources.

Local Government Impact

The penalty for a class 1 misdemeanor traffic offense is 10 days to 1 year imprisonment in a county jail, a fine of \$10 to \$1,000, or both. The impact at the local level cannot be determined because the courts have the discretion of incarceration or imposing a fine. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$49.69 to house state inmates. It is assumed that the impact of this new misdemeanor will be minimal. The bill minimally increases fine revenue to local governments and the HUTF. Counties and municipalities receive 35 percent of the HUTF fine revenue for highway purposes.

State Appropriations

None required.

Departments Contacted

Judicial Public Safety Revenue