LEGISLATIVE INCARCERATION FISCAL IMPACT STATEMENT

EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY 2014

HOUSE BILL NO. 1043

AN ACT TO REVISE AND REPEAL CERTAIN PROVISIONS REGARDING THE REGULATION OF AERONAUTICS.

A legislative incarceration fiscal impact statement has been requested on HB1043 due to the revision of certain penalties relating to the regulation of aeronautics.

All of the penalties in this Act, including the two felonies in Sections 85 and 94 are preexisting, and since the revisions in the Act do not expand the scope of prohibition, there can be no possible negative impact on jail populations.

However, there is one significant exception to this analysis. In Section 117, the Act purports to expand the prohibition on aerial DUI from .08 to .04 blood alcohol level. This penalty is a true mens rea crime, and, if prosecuted, could well result in a jail sentence. However, the scope of the prohibition between .08 and .04 is very narrow and therefor unlikely to result in more than an occasional conviction. Hence, its impact on jail populations is statistically irrelevant.

Approved:/S/ Fred Schoenfeld Date: 1/29/14

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