

DUI Fines, Surcharges, and Assessments

Judiciary

Program Summary

Program Overview

Driving Under the Influence (DUI) fines and assessments are levied against all individuals convicted of operating motorized vehicles (automobiles, watercraft, and aircraft) under the influence of alcohol or other drugs. These fines and assessments range in severity, depending on the number of prior convictions and level of intoxication, with additional convictions and higher blood-alcohol concentrations (BAC) leading to larger monetary penalties. In addition to fines and assessments, individuals convicted of DUI-related offenses may be required to serve a term of incarceration, a continuous alcohol or drug monitoring program, or be required to have an ignition interlock device placed on their vehicle. This summary, however, does not address such requirements.

A first-time conviction for regular DUI, in which the offender's BAC is at least 0.08% but less than 0.15% or has any trace of certain drugs or their metabolites, brings an initial fine of \$250. A second will result in a \$500 fine.

A second category of DUI, called "aggravated DUI," occurs upon conviction of a third offense in which the offender's BAC is at least 0.08% but less than 0.15% or is found to have any trace of certain drugs and their metabolites. A conviction of "aggravated" DUI will result in a \$750 fine.

A third category of DUI, called "extreme DUI," occurs when an individual is convicted with a BAC of 0.15% or higher. This will result in a \$250 fine for first convictions and a \$500 fine for second convictions. For those whose BAC is 0.20% or higher, the penalties increase to \$500 for the first conviction and \$1,000 for second convictions. First and second convictions for DUI are misdemeanors, which means that these cases are handled within local Justice or Municipal Courts. Third DUI convictions are felonies, which means that these cases may be tried in Superior Court.

Program Funding

Monetary penalties for DUI convictions start with a base fine of \$250 to \$1,000 and increase with additional assessments of up to \$1,500 each, with the amount varying by the type of charge on which the offender is convicted, the offender's past conviction history, and the level of intoxication.

Base Fine and Surcharges	Surcharge	Amount
Base Fine (retained by County/City)	N/A	\$250.00
Criminal Justice Enhancement Fund (CJEF)	42%	105.00
Medical Services Enhancement Fund (MSEF)	13%	32.50
Clean Elections Fund (CEF)	10%	25.00
Fill the Gap (FTG)	7%	17.50
Deoxyribonucleic Acid (DNA) Identification Fund	6%	15.00
Probation Surcharge (Judicial Collection Enhancement Fund)	\$20.00	20.00
Victims' Rights Enforcement Fund	\$2.00	2.00
Victims' Rights Penalty Assessment	\$9.00	9.00
GIITEM/DPS Equipment/Local Assessment	\$13.00	13.00
Prison Construction and Operations Fund (PCOF) Assessment	\$1,000.00	1,000.00
Public Safety Equipment Fund (PSEF) Assessment	\$1,000.00	1,000.00
DUI Abatement Fund Assessment	\$250.00	250.00

Monies collected through these penalties consist of a base fine, surcharges, and up to 5 additional assessments. These surcharges are disbursed by the State Treasurer to the funds as outlined in *Table 1*. Base fines are retained by the city or county in the court's jurisdiction and are not transferred to the state. In addition to the base fines, surcharges that equal 78% of the base fine are levied for each DUI conviction. A probation and victims' rights surcharge are also added which provide monies to the Judicial Collection Enhancement Fund for probation programs and to the Victims' Rights Enforcement Fund for grants to non-profit entities that provide legal representation and social services to crime victims.

Laws 2018 Chapter 237 reduced the CJEF surcharge from 47% to 42% and restructured the distribution to remove the Victims' Rights Fund and Victim Compensation and Assistance (VCAF) funds as recipients. Chapter 237 also established a new \$9 penalty assessment offset the decrease in revenue with a set change effective January 1, 2019. The Victims Rights' Fund receives 62.4% of revenue collected and the VCAF receives 37.6%.

Laws 2011, Chapter 308 established a \$13 penalty assessment on all fines, penalties, and forfeitures imposed by the courts. The investigating agency retains \$4 of the assessment for its own public safety equipment and \$1 is deposited with the involved county for the improvement of the administration of justice courts. Of the remainder, \$4 is deposited into the Public Safety Equipment Fund (PSEF), and \$4 is deposited into the Gang and Immigration Intelligence Team Enforcement Mission (GIITEM) Border Security and Law Enforcement Subaccount. The Department of Public Safety deposits its \$4 assessment for being the investigating agency into PSEF.

There are 3 additional assessments deposited into 3 funds: the PSEF, the Prison Construction and Operations Fund (PCOF), or the DUI Abatement Fund. The PSEF, created in 2008 (Laws 2008, Chapter 286) is administered by DPS and provides monies for the purchase of vehicles, protective armor, electronic stun devices and other safety equipment. All DUI revenues to the fund above \$1,200,000 annually are transferred to the General Fund.

Monies in PCOF, established in 2003 (Laws 2003, 2nd Special Session, Chapter 5) and administered by the Arizona Department of Corrections, are used to cover costs related to prison overcrowding, as well as departmental support and maintenance. The DUI Abatement Fund, created in 1998 (Laws 1998, Chapter 302) and administered by the Oversight Council on DUI Abatement, provides grants to cities, counties, and tribal governments to conduct enforcement, judicial, treatment, and educational activities designed to deter drinking and driving.

The PSEF and PCOF assessments range from \$500 to \$1,500 and depend on the number of convictions and level of intoxication. An extra assessment of \$250 for the DUI Abatement Fund is also levied on first and second convictions for extreme DUI and aggravated DUI when the offender is operating an automobile.

Table 2 gives a comprehensive overview of the various monetary penalties for DUI. Total fines range in severity from \$1,489 for a first-time conviction for regular DUI to \$4,574 for an aggravated DUI while operating an automobile.

Table 2

DUI Fines and Assessments

<u>Offense</u>	<u>Base Fine</u>	<u>Surcharges (78% Base)</u>	<u>Penalty Assess.</u>	<u>Probation Surcharge</u>	<u>Victims' Rights Enforcement Fund Surcharge</u>	<u>GIITEM/DPS Surcharge</u>	<u>PSEF</u>	<u>PCOF</u>	<u>DUI Abatement Fund ^{1/}</u>	<u>Total</u>
DUI (.08%)										
1 st Conviction	\$250	\$195	\$9	\$20	\$2	\$13	\$500	\$500	N/A	\$1,489
2 nd Conviction	500	390	9	20	2	13	1,250	1,250	N/A	3,434
Aggravated DUI										
3 rd Conviction	750	585	9	20	2	13	1,500	1,500	\$250	4,629
Extreme DUI (.15%)										
1 st Conviction	250	195	9	20	2	13	1,000	1,000	250	2,739
2 nd Conviction	500	390	9	20	2	13	1,250	1,250	250	3,684
Extreme DUI (.20%)										
1 st Conviction	500	390	9	20	2	13	1,000	1,000	250	3,184
2 nd Conviction	1,000	780	9	20	2	13	1,250	1,250	250	4,574

^{1/} This additional assessment of \$250 is levied on extreme and aggravated DUI only when the offender is operating an automobile. The \$250 assessment is then deposited into the DUI Abatement Fund.

DUI fine collections have increased since reaching a low in FY 2020. While the exact cause of the totals in 2020 is unknown, it is possible that this is attributable to fewer persons out driving due to the pandemic of COVID-19. Base fines remain with the county; total collections of those base fines are unavailable. However, in FY 2022, \$10,772,700 was deposited into the PCOF, a 2.27% increase from FY 2021. Additionally the GIITEM Border Security and Law Enforcement Subaccount received \$1,613,700, a (0.37)% decrease from FY 2021. PSEF received \$3,373,500 in surcharge revenues in FY 2022 representing a 3.7% increase from FY 2021. *Table 3* lists these totals.

Table 3

Fund Revenues

<u>Fund</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
PCOF	\$10,348,700	\$9,886,400	\$10,533,800	\$10,772,700
DUI Abatement	1,159,400	1,158,300	1,302,900	1,213,100
GIITEM Subaccount	2,191,200	1,878,200	1,619,700	1,613,700
PSEF	4,159,700	3,601,700	3,253,400	3,373,500

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