

OFFICE OF FISCAL ANALYSIS

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sSB-337

AN ACT CONCERNING STREET TAKEOVERS AND THE ILLEGAL USE OF CERTAIN VEHICLES.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Policy & Mgmt., Off.	GF - Cost	107,700	105,900
Policy & Mgmt., Off.	GF - Cost	Potential Significant	Potential Significant
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
State Comptroller - Fringe Benefits ¹	GF - Cost	43,500	43,500

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Cost	Minimal	Minimal
Various Municipalities	Savings	See Below	See Below
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill results in various fiscal impacts described below regarding

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

changes to street takeovers and the illegal use of motor vehicles.

Sections 1 and 2 allows municipalities to (1) seize certain all-terrain vehicles (ATVs) that violate a local ordinance if the municipality mails a letter to the owner or lienholder first and (2) destroy the vehicles instead of requiring them to be stored or sold at a public auction. This may result in a potential cost to municipalities to the extent that more ATVs are seized. There is also a potential savings to municipalities to the extent they no longer have to store or auction the vehicles. These sections have no impact on municipalities that have not adopted an ordinance on the operation of ATVs.

Section 3 allows municipalities to adopt an ordinance prohibiting street takeovers and allows fines to be set for the violation of this ordinance. There is a potential revenue gain to municipalities beginning in FY 25 to the extent that the ordinance is adopted, and fines are issued for violations. The section allows fines to be set up to \$1,000 for the first violations, \$1,500 for the second violations, and \$2,000 for all subsequent violations.

Sections 4 and 5 extend existing mandatory minimum sentence penalties² that apply if a person operates a motor vehicle with a suspended or revoked license to violators of the street racing and street takeover law resulting in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain from fines.³ On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300⁴ while the average marginal cost for supervision in the community is less than \$800⁵ each year for adults and \$1,000 each year for juveniles.

²A first violation has a 30 day mandatory minimum, a second violation is 120 days, and a third violation is 364 days.

³ In FY 23, \$75,506 was collected in revenue from fines for these offenses.

⁴Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

⁵ Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a

Section 6 adds some municipal ordinance violations to the list of offenses for which fines are payable to the Centralized Infraction Bureau (CIB). This may result in a potential revenue gain from fines to the extent that municipalities create ordinances and that violations occur.

Section 7 requires the Office of Policy and Management (OPM) to administer grants to municipalities to support enforcement of street takeover and ATV regulations ordinances. The grants must be at least \$500,000 and specific uses are outlined in the bill. The section also requires OPM to develop grant application forms, post grant information online, and annually report on the program.

This results in a cost of approximately \$105,900 in FY 25 and FY 26 to OPM for a Lead Planning Analyst, training and supplies, and a one-time cost of \$1,760 in FY 25 for equipment costs. There is also a cost of \$43,500 in FY 25 and FY 26 to the Office of the State Comptroller for associated fringe benefits.

The section also results in a cost to OPM for grant funds of at least \$500,000 to each municipality and a corresponding potential revenue gain to municipalities beginning in FY 25.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the number of vehicles seized, fines, penalties, and violations issued, and grants administered to municipalities.

cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.