

Job Impact Statement

1. Nature of impact:

The revised rule will continue employment opportunities for those manufacturers of ignition interlock devices (IIDs) certified by the New York State (NYS) Department of Health (DOH), and approved as qualified manufacturers by the Division of Criminal Justice Services (DCJS) and for the more than 200 businesses in NYS which are designated installation/service providers of these devices. Between August 15, 2010 and December 31, 2016, over 111,000 IID orders were received by monitoring entities from courts statewide and approximately 30,000 (27.0%) IIDs were installed within 10 days of the time of sentencing, release from incarceration, or in advance of sentencing. There were approximately 250 approved installation/service providers, mainly small automotive or electronic shops specializing in the installation of automobile stereo systems, remote starters, mufflers, automobile repair, as well as some automobile dealers. Three (3) manufacturers are currently approved as qualified manufacturers in NYS and DCJS is in the process of contracting with one additional company. It is anticipated that the demand for devices, installation, and maintenance-related services will continue, leading to increased employment opportunities in our state.

2. Categories and numbers affected:

This regulatory rule affects manufacturers of certified IID's and their respective installation/service providers in NYS and monitors of IID cases. During 2016, there were 44,414 defendants arrested for Vehicle and Traffic Law (VTL) §1192 Felony and Misdemeanor Driving While Intoxicated (DWI) crimes. That same year there were 19,219 convictions for VTL §1192 Felony and Misdemeanor DWIs. Statutory provisions require defendants convicted of or adjudicated a youthful offender involving certain DWI-related crimes in NYS to install IIDs in any vehicle which they own or operate as a condition of probation or conditional discharge (CD). Additionally, there are an increasing number of defendants who are willing to be subject to IID's and court ordered to do so in advance of sentencing. As a result, it is anticipated that there will be continued and

expanded employment opportunities for manufacturers and installation/service providers. Recently, DCJS issued a Request for Applications (RFA) for additional interested manufacturers and/or distributors who seek to do business in New York State and whose IIDs have been certified by DOH and have met RFA requirements. DCJS is now in the process of contracting with one other company. This RFA outcome, coupled with DCJS authority to resume an Open and Continuous Application, creates the potential to increase the number of qualified manufacturers and installation/service providers in the future.

DCJS does not foresee that counties, including New York City, or probation departments who monitor probation cases, and any probation departments and other alternative monitors who are designated to handle CD cases, will be adversely affected by the proposed revised rule. The existing rule and proposed amendments are designed to ensure consistency with state law and recommended federal National Highway Traffic Safety Administration (NHTSA) Specifications and provide flexibility, wherever feasible and/or appropriate, consistent with public safety and accountability in order to minimize any effects upon local government. DCJS has annually applied for and received grant funding from the NYS Governor's Traffic Safety Committee (GTSC) in NHTSA monies to help offset local government costs in performing monitoring services. Currently, monies are distributed to the localities pursuant to a formula based on recent statistics of DWI conviction rates. DCJS is unaware of any local government concerns with this formula. DCJS has recently received approval of approximately 1.2 million dollars for Federal fiscal year 2018, similar to the prior Federal fiscal year award.

3. Regions of adverse impact:

The revised rule will have no adverse or disproportionate impact on jobs or employment opportunities in any region of NYS. At the present time, all three manufacturers have been approved by DCJS to operate throughout NYS.

4. Minimizing adverse impact:

DCJS does not anticipate that these regulatory amendments will have an adverse impact on jobs or employment opportunities.

DCJS' Office of Probation and Correctional Alternatives (OPCA) has: (i) discussed changes with and received support of the proposed revisions from the NYS Probation Commission, most recently on April 18, 2017; (ii) distributed a draft copy of the proposed regulatory rule revision to all Probation Directors and CD Monitors and all qualified manufacturers; further discussed the proposed regulatory revisions with qualified manufacturers, probation and CD monitors, and other state and local entities at the Annual IID Manufacturers Conferences held; (iv) made additional revisions based on feedback received from these stakeholders to address certain issues raised. Overall, feedback was positive as to these proposed regulatory changes.

5. Self-employment opportunities:

Although manufacturers of IIDs are generally large national and/or international businesses, their respective installation/service providers are typically small, owner-operated businesses doing business in NYS. There continues to be a potential for self-employment opportunities where such businesses can meet manufacturer agreements and NYS regulatory requirements governing training, installation, maintenance of services, and other operational provisions.

The proposed revision may create additional job opportunities for installation/service providers, as additional manufacturers apply to DCJS and receive certification of their devices from DOH. Further, expanded employment opportunities exist for installation/service providers as our proposed amendments will require all operators with IID(s) to undergo service visits. Under the current regulation, service visit requirements can be accomplished by operators, with a removable IID head, mailing the IID component back to the manufacturer -a practice applicable and utilized by only one manufacturer. Actual service visits to an installation/service provider are critical in detecting attempted/actual tampering and therefore a beneficial change.