

Department of Planning and Budget
2003 Fiscal Impact Statement

1. Bill Number HB1399

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Janis

3. Committee Courts of Justice

4. Title Blood sample taken from person's accused of DUI.

5. Summary/Purpose: The introduced legislation proposes to amend §§ 18.2 - 268.6, 18.2-268.7 of the Code of Virginia to eliminate the second sample available to the accused for analysis by an independent laboratory for persons arrested for DUI.

6. No Fiscal Impact: See item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: According to the Department of Criminal Justice Services this bill would have no fiscal impact on the agency. In fact it would free up the time of toxicologists in the Division of Forensic Science. Presently, DCJS has toxicologists testifying in court when there are differences in DUI/drug reports from DFS and the secondary lab. This legislation would eliminate the second sample and thus eliminate the need to discuss or explain any differences.

The agency advises that the vast majority of differences are well within the tolerances acceptable to chemical analysis. However it appears that the absence of a second sample could be used to question the quality of the sample and the validity of the test. If that occurs it may lead to additional court costs in some trials. However, it is impossible to estimate the potential costs associated with such actions.

9. Specific agency or political subdivisions affected: Department of Criminal Justice Services

10. Technical amendment necessary: None.

11. Other comments: This bill is similar to HB2049.

Date: 01/15/03/MEM

Document: G:\Fis\03\Dejs\Hb1399.Doc Michael McMahon

cc: Secretary of Public Safety