

Department of Planning and Budget
2003 Fiscal Impact Statement

1. Bill Number HB1399

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron Janis

3. Committee Passed Both Houses

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

5. Summary/Purpose: This legislation amends §§ 18.2 -268.6 and 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: Final; See Item #8.

7. Budget amendment necessary: No.

8. Fiscal implications: According to the Department of Criminal Justice Services, this legislation will have no fiscal impact on the agency. In fact it frees up the time of toxicologists in the Division of Forensic Science (DFS) from testifying in court since the second sample is eliminated. No longer will they have to explain or discuss the differences in results between the DUI/drug reports from DFS and the secondary lab.

The agency advises that although the vast majority of differences are well within the tolerances acceptable to chemical analysis, 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.

The legislation requires the department to retain any remaining sample for a period of 90 days, should there be a motion before the court to allow an independent analysis of the remaining sample. The storage cost for these samples are minimal and can easily be absorbed by the agency.

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

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/05/03/MEM

Document: G:\FIS\03\DCJS\HB1399ER.Doc Michael McMahon

cc: Secretary of Public Safety