

## Department of Planning and Budget 2003 Fiscal Impact Statement

1. **Bill Number** SB1019

**House of Origin** ☐ Introduced ☐ Substitute ☒ Engrossed  
**Second House** ☒ In Committee ☐ Substitute ☐ Enrolled

2. **Patron** Mims

3. **Committee** H. Courts of Justice

4. **Title** Driving while intoxicated; penalty.

**5. Summary/Purpose:**

§ 19.2-270 currently does not note a fine for persons for the first DUI conviction, except what is imposed from a Class 1 misdemeanor conviction. However, this bill imposes a \$250 mandatory minimum fine, which shall not be suspended by the court. In addition, any person currently convicted of a second offense committed within ten years after the first offense shall be fined up to \$200. SB1019 increases the second offense fine by \$300, to \$500, which shall not be suspended by the court. Also, any person convicted of three or more offenses, shall be fined a mandatory minimum fine of \$1,000, which shall not be suspended by the court.

6. **Fiscal Impact Estimates are:** preliminary, see Item 8.

**6b. Revenue Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03	\$0		
2003-04	\$750,450		
2004-05	\$750,450		

7. **Budget amendment necessary:** No.

**8. Fiscal implications:**

According to the Executive Office of the Supreme Court, the average fine (the first eleven months of 2002) for a first conviction of DUI is \$231, and for a second offense it is \$355. Under this legislation, first offense fines could increase by at least \$19 per conviction, and second offense fines could increase by at least \$145 per conviction. Based on recent data, if the number of convictions for first offenses for one year continued at 22,900 ( $22,900 \times \$19 = \$435,100$ ) and second offense convictions equal 3,900 ( $3,900 \times \$145 = \$565,500$ ) and all fines are paid, then the total anticipated additional revenue would be \$1,000,600. However, collection rates are estimated to be about 75 percent, or \$750,450. Sufficient data is not available to accurately project third offense fines, but anecdotal evidence suggests that these fines could increase by several hundred dollars per conviction.

Funds collected from fines are deposited to the Literary Fund.

9. **Specific agency or political subdivisions affected:** The Courts.

10. **Technical amendment necessary:** No.

11. **Other comments:** See HB1702.

**Date:** 02/06/03/jlm

**Document:** (DPB G:\Leg03\SB1019E.DOC)