

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. Any person convicted of three or more offenses, shall be fined a mandatory minimum fine of \$1,000. In addition, any person convicted of a violation committed while transporting a person under seventeen years of age shall have a mandatory, minimum period of confinement of five days for each person in the vehicle other than the driver.

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 continues at 22,900 (22,900 X \$19 = \$435,100) and second offense convictions equal 3,900 (3,900 X \$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.

In addition, the state responsible per diem payment for persons held in a local facility is \$8 per day. The fiscal impact of confinement cannot be determined since it would depend on the number of children in each vehicle, and the number of convictions. Funding for this would come from the general fund.

Funds collected from fines are deposited to the Literary Fund.

9. **Specific agency or political subdivisions affected:** The Courts, and the Compensation Board.

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

11. **Other comments:** HB1702 is somewhat similar to SB1019.

Date: 02/21/03/jlm

Document: (DPB G:\Leg03\SB1019H1.DOC)

cc: Secretary of Administration