

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** HB 667

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

**2. Patron**        Bell

**3. Committee**   Senate Courts of Justice

**4. Title**            DUI; increased penalties

**5. Summary/Purpose:**

Under the current provisions of law, persons convicted of driving while intoxicated are guilty of a Class 1 misdemeanor. For those offenders with elevated blood alcohol content (BAC) at the time of the arrest, the sentence is to include a mandatory minimum period of confinement in jail, as follows:

<u>BAC</u>	<u>First Offense</u>	<u>Second Offense w/in 10 years</u>
0.20-0.25	5 days	10 days
More than 0.25	10 days	20 days

The proposed legislation would increase the mandatory minimum sentence requirements, as follows:

<u>BAC</u>	<u>First Offense</u>	<u>Second Offense w/in 10 years</u>
0.12-0.14	2 days	2 days
0.15-0.20	5 days	10 days
More than 0.20	10 days	20 days

**6. Fiscal Impact Estimates:** Preliminary

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2004-05	5,840	General
2005-06	5,840	General
2006-07	5,840	General
2007-08	5,840	General
2008-09	5,840	General
2009-10	5,840	General

**7. Budget amendment necessary:** Yes. Item 67.

**8. Fiscal implications:**

Pursuant to Sec. 30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has determined that the proposed legislation would not require an appropriation related to the increase in the number of prison beds projected to result from this legislation.

However, due to the increases in minimum mandatory jail sentences for persons convicted of DUI proposed by the legislation, there would be an increase in the number of persons held in local and regional jails. For each person held in jail awaiting trial, the Commonwealth reimburses the localities \$8.00 per day. The fiscal impacts noted in Item 6 are the additional per diem payments the Commonwealth would be obligated to pay localities, based on the Sentencing Commission's projected increase in jail beds resulting from the proposed legislation.

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

Compensation Board  
Local and regional jails

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

**11. Other comments:** Other bills under consideration have similar or overlapping provisions. See HB 1147, SB 384, and SB 329.

**Date:** 02/20/04 / rwh

**Document:** G:\LEGIS\Fis-04\HB667eh1.DOC Dick Hall-Sizemore

cc: Secretary of Finance

Secretary of Administration