

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 Passed both houses

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 significantly 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>
0.15-0.20	5 days	10 days
More than 0.20	10 days	20 days

6. Fiscal Impact Estimates: Final. See Item 8.

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: None.

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. Neither the House nor the Senate provided these funds in their budget amendments.

9. Specific agency or political subdivisions affected:

Compensation Board
Local and regional jails

10. Technical amendment necessary: No.

11. Other comments:

The provisions of this legislation are included in SB 384, also passed by the General Assembly, but not yet enrolled. In addition, there are several other bills that increase other aspects of the penalties for DUI. These include HB 889, HB 1107, HB 1132, HB 1147, SB 329, SB 442, and SB 384, as well as SB 384. The cumulative effects of the provisions of these bills should be considered, rather than each bill in isolation.

Date: 03/26/04 / rwh

Document: G:\LEGIS\Fis-04\HB667er.DOC Dick Hall-Sizemore

cc: Secretary of Finance

Secretary of Administration