

Department of Planning and Budget
2005 Fiscal Impact Statement

1. Bill Number HB1896

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Carrico

3. Committee Courts of Justice

4. Title Driving motor vehicle after ingesting illegal Schedule I or Schedule II drugs; penalty.

5. Summary/Purpose: Makes driving after ingesting any amount of illegally possessed Schedule I and Schedule II drugs a violation of the DUI statute. A violation is punishable as a Class 2 misdemeanor. Also, includes this section in § 18.2-268.3 which addresses unreasonable refusals to consent to have samples of blood and breath taken for chemical testing. Violations of this section are either a Class 1 misdemeanor or Class 2 misdemeanor.

6. Fiscal Impact Estimates are: PRELIMINARY.

7. Budget amendment necessary: No.

8. Fiscal implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible inmate held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per inmate, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

9. Specific agency or political subdivisions affected: Local and regional jails, Compensation Board, state and local law enforcement agencies.

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Administration

Secretary of Public Safety