



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 714

(Patron – Janis)

LD#: 08-5904568

Date: 11/28/2007

Topic: Failure to stop at solid red light resulting in death

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal amends § 46.2-833 to increase the penalty for failing to stop at a solid red light from a traffic infraction to a Class 6 felony when the failure to stop results in the death of another.

The 2000 General Assembly added language to § 46.2-833 to allow a law enforcement officer to detain a driver who fails to stop at a solid red light under certain circumstances. The 2004 General Assembly added language to specify how drivers should approach an intersection when the traffic lights are out of service. The 2006 General Assembly expanded the provision allowing a driver to be detained for violation of § 46.2-833 by adding that the driver could be also be arrested.

Analysis:

According to the General District Court Automated Information System (CAIS) for calendar years 2005 and 2006, there were 32,680 persons convicted of failing to obey signals by traffic lights. For 29,735 of these, the traffic infraction was the most serious offense at conviction. There is no information regarding the specific nature of the infraction (whether it was associated with a solid red light, flashing red or yellow lights, or traffic lights that were out of service). Similarly, there is no information regarding how many of these infractions resulted in a death.

Impact of Proposed Legislation:

State adult correctional facilities. Because it increases the penalty for an existing traffic infraction to a Class 6 felony in cases resulting in death, the proposal could increase the need for state-responsible (prison) beds. However, the number of incidents that may be affected by the proposal cannot be identified with existing data. Some of these cases may be covered by existing felony provisions, such as involuntary manslaughter (§§ 18.2-36 and 18.2-36.1). Therefore, the magnitude of the impact on state-responsible (prison) beds cannot be estimated.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be quantified.

Adult community corrections resources. The proposal may increase the need for state community corrections resources; however, the magnitude of the impact cannot be quantified.

Virginia's sentencing guidelines. Felony violations of § 46.2-833, as proposed, would not be covered by the sentencing guidelines as the primary (most serious) offense. A conviction under this provision, however, could augment the guidelines recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. The Department of Juvenile Justice (DJJ) reports that, by creating a new felony penalty, the proposal could result in additional commitments to juvenile correctional centers (JCCs). Existing *Code* specifies that a juvenile is eligible for commitment if he is adjudicated for a felony, has a prior felony adjudication or has accumulated a total of four Class 1 misdemeanor adjudications. As a Class 6 felony, the minimum Length of Stay (LOS) for the proposed crime under DJJ's guidelines would be six months. The number of juveniles who may be affected by the proposal is unknown; therefore, the impact of the proposal on JCC bed space cannot be quantified.

Juvenile detention facilities. The Department of Juvenile Justice reports that the impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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