



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1117

(Patron – Ebbin)

LD #: 10102603

Date: 12/30/2009

Topic: Speeding in work zones

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

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

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 46.2-878.1 to increase the fine for speeding in a highway work zone and to add penalties for violations that result in the injury or death of a construction worker. Under the proposal, a violation resulting in serious bodily injury to a construction worker would be a felony punishable by imprisonment up to one year, while a violation resulting in the death of a construction worker would be a felony punishable by imprisonment up to 15 years. The proposal also doubles the fine for speeding in a highway work zone from \$500 to \$1,000.

Currently, § 46.2-878.1 is a traffic infraction punishable by a fine of not more than \$500. Defendants may also be charged under other statutes, such as reckless driving, for violations within a work zone.

Analysis:

According to the "2007 Work Zone Crash Statistics" provided by the Virginia Department of Transportation (VDOT), there were 2,000 crashes in work zones that year. Of those, 900 resulted in injuries and 11 in fatalities. This information does not distinguish between injuries to construction workers versus drivers. However, a representative of VDOT noted that at least one construction worker was killed in a work zone in 2007. The information provided does not contain detail as to whether drivers in these crashes were cited under the current § 46.2-878.1 and/or prosecuted under other criminal statutes such as reckless driving, driving while intoxicated, or vehicular manslaughter.

Impact of Proposed Legislation:

State adult correctional facilities. By defining new felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional

felony convictions that may result from the proposal cannot be estimated. While the magnitude of the impact cannot be quantified, it is expected to be small.

Local adult correctional facilities. By defining new felony offenses, including one with a statutory maximum of one year, the number of individuals who would be eligible for incarceration in local adult correctional facilities could increase the local-responsible (jail) bed space needs of the Commonwealth. The size of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia’s sentencing guidelines. The proposed felony offenses would not be covered by the sentencing guidelines as the primary, or most serious, offense; however, such convictions could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the impact of the proposal on juvenile correctional center bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal 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; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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