

**Department of Planning and Budget
2013 Fiscal Impact Statement**

1. Bill Number: SB1222

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Norment

3. Committee: Transportation

4. Title: Reckless driving; using a handheld communications device; penalty.

5. Summary: Provides that driving while simultaneously using a handheld communications device for something other than verbal communication constitutes driving a motor vehicle that is not under proper control, punishable as reckless driving, a Class 1 misdemeanor. Under current law, the more specific offense of "texting while driving" (repealed by this bill) incurs a \$20 fine and is a secondary offense, which means that a law-enforcement officer must have cause to stop or detain a driver for some other violation, the primary offense, before issuing a citation for texting while driving, the secondary offense.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary; See Item 8 below.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner 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 prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's FY2011 Jail Cost Report (November 1, 2012), the estimated total state support for local and regional jails averaged \$26.54 per state inmate, per day in FY 2011.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails statewide, State Compensation Board, local and state law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to HB 1848 and HB 1360.

Date: January 17, 2013

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