

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** SB1238

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Barker

**3. Committee:** Transportation

**4. Title:** Reckless driving; texting; penalty.

**5. Summary:** Provides that texting while driving is punishable as reckless driving, a Class 1 misdemeanor. Under current law, "texting while driving" (repealed by this bill) incurs a \$20 fine. The bill also makes texting while driving a primary offense. Also, provides that if the degree of culpability is slight, the person may be found not guilty of reckless driving but guilty of texting while driving (punishable by a \$50 fine).

**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:** Similar to HB 1848, HB 1360 and SB 1222.

**Date:** January 17, 2013

**Document:** G:\2013\JGC\EFIS\Posted\SB1238.DOC