

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number: SB 293**

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

**2. Patron: Puckett**

**3. Committee: House Courts of Justice**

**4. Title: Reckless driving**

**5. Summary:**

The proposed legislation would provide that any person, who commits a misdemeanor reckless driving offense or fails to reduce speed or yield the right of way when approaching a stationary emergency vehicle on the highway and, as a direct and proximate cause of such action, strikes an emergency medical services worker, a firefighter, a highway worker, or a law-enforcement officer, causing the death or permanent and significant physical impairment of the worker, is guilty of a Class 5 felony. However, the penalty would be applicable only if the worker were not in a vehicle, were on a public roadway or work zone, and were engaged in his official duties. In addition to any incarceration, the proposed legislation provides for the following additional penalties for violators of the statute:

- Mandatory minimum fine of \$2,500;
- Civil penalty of up to \$10,000; and
- Suspension of driver's license for one year.

**6. Budget Amendment Necessary: Yes. Item 385.**

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$50,000	General
2016	\$0	
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	

## **8. Fiscal Implications:**

For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 most recent Jail Cost Report (November 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 806 of the 2013 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Any amount collected as a result of the mandatory fines assessed under the provisions of the legislation would be deposited in the Literary Fund. Any amount collected as a result of the optional civil penalty authorized by the legislation is directed to be deposited in the general fund. Because it is not feasible to project how many persons will be convicted under the proposed legislation, the amount of fines and penalties that may be collected cannot be determined.

## **9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Local and regional jails.

## **10. Technical Amendment Necessary:** None.

## **11. Other Comments:** None.

**Date:** 2/14/2014

**Document:** G:\LEGIS\fis-14\sb293s1.docx Dick Hall-Sizemore