

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number: HB 1622**

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

**2. Patron: Collins**

**3. Committee: Reported from committee**

**4. Title: Driving commercial vehicle while intoxicated**

**5. Summary:**

The proposed legislation makes the following changes in the penalty provisions for a conviction a commercial vehicle while intoxicated:

	<b>Current Law</b>	<b>HB 1622</b>
<b>First offense</b>	Class 1 misdemeanor (up to 12 months in jail; up to \$2,500 fine)	Class 1 misdemeanor with mandatory minimum fine of \$250
<b>Blood alcohol level at least 0.15, but not more than 0.2</b>	No enhancement	Mandatory minimum sentence of 5 days in jail
<b>Blood alcohol level more than 0.02</b>	No enhancement	Mandatory minimum sentence of 10 days in jail
<b>Second offense less than 5 years from first offense</b>	Class 1 misdemeanor; fine of \$200-\$2,500; 1-12 months in jail; 5 days mandatory minimum	Class 1 misdemeanor; mandatory minimum fine of \$500; 1-12 months in jail; 20 days mandatory minimum
<b>Second offense, within 5-10 years of prior offense</b>	Class 1 misdemeanor; fine of \$200-\$2,500; 1-12 months in jail	Class 1 misdemeanor; mandatory minimum fine of \$500; 1-12 months in jail; 10 days mandatory minimum
<b>Second offense within 10 years of prior offense</b>		
<b>Blood alcohol level of 0.15 to 0.20</b>	No provision	Additional mandatory minimum sentence of 10 days. Mandatory minimum fine of \$500.
<b>Blood alcohol level of more than 0.20</b>	No provision	Additional mandatory minimum sentence of 20 days; mandatory minimum fine of \$500.

<b>Third offense within 10-year period</b>	Class 1 misdemeanor; fine of \$200-\$2,500; 2-12 months in jail	Class 6 felony ( up to months in jail or 1 to 5 years in prison); 90 days mandatory minimum sentence in jail
<b>Third offense within less than five years</b>	30 days mandatory minimum sentence in jail	6 months mandatory minimum sentence in jails; \$1,000 mandatory minimum fine
<b>Third offense within 5-10 years of first offense</b>	10 days mandatory minimum sentence in jail	No provision
<b>Fourth offense or subsequent offense within 10-year period</b>	Same as third offense	Class 6 felony; mandatory minimum term of 1 year in prison; mandatory minimum fine of \$1,000
<b>Subsequent DUI after prior conviction of DUI or DUI-related manslaughter or maiming statutes</b>	No provision	Class 6 felony; mandatory minimum sentence of 1 year in prison; mandatory minimum fine of \$1,000

Furthermore, the proposed legislation directs that mandatory minimum sentences imposed pursuant to its provisions shall be cumulative and served consecutively.

**6. Budget Amendment Necessary:** None.

**7 Fiscal Implications:**

The proposed legislation amends the penalties for driving a commercial vehicle while intoxicated to mirror the penalties currently set out in another statute for driving a motor vehicle while intoxicated. Because attorneys for the Commonwealth have the discretion to use the existing statutes governing the operation of a motor vehicle to prosecute a person for operating a commercial vehicle while intoxicated under, it is not anticipated that the legislation will have an effect on the need for jail or prison bed space.

Accordingly, pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$0.

**8. Specific Agency or Political Subdivisions Affected:** None.

**9. Technical Amendment Necessary:** None.

**10. Other Comments:** None.

**Date:** 1/30/2017