

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: Passed both houses

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:

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

Third offense within 10-year period	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
Third offense within less than five years	30 days mandatory minimum sentence in jail	6 months mandatory minimum sentence in jails; \$1,000 mandatory minimum fine
Third offense within 5-10 years of first offense	10 days mandatory minimum sentence in jail	No provision
Fourth offense or subsequent offense within 10-year period	Same as third offense	Class 6 felony; mandatory minimum term of 1 year in prison; mandatory minimum fine of \$1,000
Subsequent DUI after prior conviction of DUI or DUI-related manslaughter or maiming statutes	No provision	Class 6 felony; mandatory minimum sentence of 1 year in prison; mandatory minimum fine of \$1,000
Any conviction of DUI while transporting a person 17 years of age or younger	No provision	Additional minimum fine of \$500 and not more than \$1,000; 5 days mandatory minimum sentence in jail.

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: Final.

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: 2/20/2017