

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** SB737 S1

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

**2. Patron:**        Surovell

**3. Committee:** Courts of Justice

**4. Title:**         Driving under the influence; first offenders; license conditions; penalty.

**5. Summary:** The substitute bill establishes that the only restriction of an adult offender's restricted driver's license for a first conviction of driving under the influence when the offender's blood alcohol content was less than 0.15 shall be the prohibition from operating any motor vehicle not equipped with a functioning, certified ignition interlock system for 12 consecutive months. The bill requires that offenders have no violations of the ignition interlock requirements within the 12 month period.

**6. Budget Amendment Necessary:** Yes. Item 391.

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

**Expenditure Impact:**

| <i><b>Fiscal Year</b></i> | <i><b>Dollars</b></i> | <i><b>Fund</b></i> |
|---------------------------|-----------------------|--------------------|
| 2019                      | \$50,000              | General            |
| 2020                      | \$0                   |                    |
| 2021                      | \$0                   |                    |
| 2022                      | \$0                   |                    |
| 2023                      | \$0                   |                    |
| 2024                      | \$0                   |                    |
| 2025                      | \$0                   |                    |

**8. Fiscal Implications:** According to the Department of Motor Vehicles (DMV), this bill would require programming adjustments to its systems to allow the issuance of a license that meets the requirements of the 12-month suspension period. The System Support Group within DMV has estimated that the changes would cost approximately \$63,000 to implement but has indicated that the changes could be absorbed by existing operating resources, given current workloads.

Current law provides penalties for driving with a revoked or restricted driver's license following a driving while intoxicated conviction (DWI). Typically, first and second offenses are punished as Class 1 misdemeanors. Anyone convicted of a Class 1 misdemeanor is

subject to a sentence of up to 12 months in jail. Further, current law provides that anyone convicted of a third or subsequent violation of driving after forfeiture of license within a ten-year period is guilty of a class 6 Felony. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or one to five years in prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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. It also funds a large 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:** Department of Motor Vehicles, the Department of Corrections, and Local and Regional jails.

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None