# Department of Planning and Budget
## 2023 Fiscal Impact Statement

1. **Bill Number:** SB841

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

2. **Patron:** Surovell

3. **Committee:** Rehabilitation and Social Services

4. **Title:** Alcohol safety action programs

5. **Summary:** This bill provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program.

6. **Budget Amendment Necessary**: No.

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

8. **Fiscal Implications:** The bill proposes conferring on courts continuing jurisdiction over drivers convicted of reckless driving where alcohol was determined to be a factor (RDAF) when the court, in its discretion, ordered the driver to complete the Virginia Alcohol Safety Action Program (VASAP), the same way courts have continuing jurisdiction over drivers convicted of driving under the influence (DUI) or driving under the influence in a commercial motor vehicle (CMV DUI) who are required by Code § 18.2-271.1 to complete VASAP.

   The bill would also require drivers whose license was suspended after an RDAF conviction, and who were ordered by the convicting court to complete VASAP, to provide the Department of Motor Vehicles (DMV) certification that they completed VASAP.

   Finally, under current law, localities may establish local alcohol safety action programs. If established, such programs must be operated by an independent policy board. Members of such boards are currently chosen in accordance with procedures approved and promulgated

by the Commission on VASAP. The bill would require each independent policy board to include at least one criminal defense attorney who has specialized knowledge in representing DUI defendants.

DMV does not anticipate significant implementation challenges associated with the bill and will be able to implement the legislation using existing resources.

9. **Specific Agency or Political Subdivisions Affected:** Department of Motor Vehicles.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.