

Department of Planning and Budget 2003 Fiscal Impact Statement

1. **Bill Number** HB1702

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron** Purkey

3. **Committee** S. Court of Justice

4. **Title** Penalty for driving while intoxicated (DUI)

5. Summary/Purpose:

§19.2-270 currently does not contain a fine for persons for the first DUI conviction, except what is imposed from a Class 1 misdemeanor conviction. However, this bill imposes a \$250 minimum fine. In addition, any person currently convicted of a second offense committed within ten years after the first offense shall be fined up to \$200. HB 1702 increases the second offense fine by \$300, to \$500. Also, any person convicted of three or more offenses, shall be fined a mandatory minimum fine of \$1,000. None of the noted fine increases will be allowed to be suspended by the court.

6. **Fiscal Impact Estimates are:** preliminary, see Item 8.

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03			
2003-04	\$750,045	0	
2004-05	\$750,045	0	

7. **Budget amendment necessary:** No.

8. Fiscal implications:

According to the Executive Office of the Supreme Court, the average fine (the first eleven months of 2002) for a first conviction of DUI is \$231, and for a second offense it is \$355. First offense fines would increase by at least \$19 per conviction, and second offense fines would increase by at least \$145 per conviction. Based on recent data, if the number of convictions for first offenses for one year continues at 22,900 ($22,900 \times \$19 = \$435,100$) and second offense conviction equal 3,900 ($3,900 \times \$145 = \$565,500$) and all fines are paid, then the total anticipated additional revenue could be \$1,000,600. However, collection rates are estimated to be about 75 percent, or \$750,045. Sufficient data is not available to accurately project third offense fines, but anecdotal evidence suggests that these fines could increase by several thousand dollars per conviction.

Funds collected from fines are deposited to the Literary Fund.

9. **Specific agency or political subdivisions affected:** The courts.

10. **Technical amendment necessary:** No.

11. **Other comments:** SB1019 is somewhat similar to HB1702.

Date: 02/19/03/jlm

Document: (DPB G:\Leg03\HB1702S1.DOC)