

Department of Planning and Budget
2004 Fiscal Impact Statement

1. Bill Number HB127

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

2. Patron Albo

3. Committee Passed Both Houses

4. Title Driving under the influence of alcohol or drugs; sanctions for unreasonable refusal to submit to blood or breath test.

5. Summary/Purpose: This bill increases the punishment for persons convicted of unreasonable refusal to submit to a blood or breath test. If any person is found guilty of a first offense of unreasonable refusal, the court shall suspend the defendant's privilege to drive for a period of one year. Any person found guilty of unreasonable refusal within 10 years of a prior conviction for driving while intoxicated or unreasonable refusal is guilty of a Class 2 misdemeanor. Any person found guilty of unreasonable refusal within 10 years of any two prior convictions for driving while intoxicated or unreasonable refusal is guilty of a Class 1 misdemeanor. If the court or jury finds the defendant guilty of an offense of refusal to submit to a blood alcohol test occurring within 10 years of one or more prior convictions, as charged in the warrant or summons issued pursuant to § 18.2-268.3, the court shall suspend the defendant's privilege to drive for a period of three years.

6. Fiscal Impact Estimates are: (Final) See Item 8.

7. Budget amendment necessary: No

8. Fiscal implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to twelve months in jail and a \$2,500 fine. Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to 6 months in jail and a \$1,000 fine. Because this legislation adds individuals convicted of unreasonable refusal to those subject to these provisions, this bill could result in an increase in the number of persons sentenced to jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most 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, the estimated total state support for local jails averaged \$29.80 per inmate, per day in FY 2002.

9. Specific agency or political subdivisions affected: Local courts, Compensation Board

10. Technical amendment necessary: No

11. Other comments: None

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cc: Secretary of Administration