

Department of Planning and Budget 2007 Fiscal Impact Statement

1. **Bill Number** HB3086

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

2. **Patron** Shannon

3. **Committee** Courts of Justice

4. **Title** Admissibility of DUI breath test certificate.

5. **Summary/Purpose:** Provides that any individual conducting a DUI breath test shall issue a certificate that will indicate the name of the accused, the date and time the sample was taken from the accused, the sample's alcohol content, and the name of the person who examined the sample. No attestation is required, and the certificate comes into evidence. Currently, the certificate also contains the assertions that (i) the test was conducted in accordance with the Department's specifications, (ii) the equipment on which the breath test was conducted had been tested within the previous six months and found to be accurate, and (iii) prior to the administration of the test, the accused was advised of his right to observe the process and see the blood alcohol reading on the equipment used to perform the breath test. Currently, the certificate must contain an attestation by the person who ran the test.

6. **Fiscal Impact Estimates are:** PRELIMINARY; See Item 8.

7. **Budget amendment necessary:** Yes. Item 402.

8. **Fiscal implications:** According to the Department of Forensic Science, the proposed legislation would require department staff to be available to testify in every breath case. This would require significant staff time away from the office. Last year over 25,000 breath tests were conducted in the Commonwealth by instruments maintained by the Department of Forensic Science. The department estimates that four additional positions (Forensic Scientists II) would be necessary. The department's estimated annual cost for these positions is \$473,000 and includes \$126,000 in travel costs.

9. **Specific agency or political subdivisions affected:** Department of Forensic Science.

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

11. **Other comments:** None.

Date: 01/25/07 / jgc

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cc: Secretary of Public Safety