

**Department of Planning and Budget
2011 Fiscal Impact Statement**

1. Bill Number: HB2462-ER

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

2. Patron: Habeeb

3. Committee: Passed Both Houses

4. Title: Certain misdemeanor offenses by minors.

5. Summary: Under current law, most actions in juvenile court are initiated by the filing of a petition through the court service unit. The statute sets out certain exceptions to this requirement. Among those exceptions are violations of the driving or boating while intoxicated statutes “or the commission of any other alcohol-related offense.” In such cases, the juvenile would be released to the custody of a parent or legal guardian and the officer would issue a summons to the juvenile and the parent or guardian to appear in court.

The legislation narrows the exceptions and broadens them at the same time. First, it provides that an exception to filing a petition would be applicable only for misdemeanor violations of the specified statutes. Second, it adds two offenses to the list of offenses for which filing a petition would not be necessary:

- Possession of marijuana, and
- Operation of a motor vehicle by a person under 21 years old, who has an blood alcohol concentration of at least .02 but less than .08.

In addition, the enrolled bill adds language that allows a juvenile charged with a possession of marijuana violation under § 18.2-250.1 be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B of § 16.1-260. The juvenile must exercise that right by written notification to the clerk not later than 10 days prior to trial. In addition, at the time of the issuance of the summons, the officer must provide written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See Item 8.

- 8. Fiscal Implications:** According to the Department of Juvenile Justice, the legislation is not expected to have a fiscal impact. Also, according to the Supreme Court, any costs to the courts resulting from this legislation will be accommodated using current resources.
- 9. Specific Agency or Political Subdivisions Affected:** Department of Juvenile Justice, law enforcement agencies statewide, Supreme Court
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.

Date: 3/2/2011

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