

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB 1272

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

2. Patron: Norment

3. Committee: Passed both houses

4. Title: DWI

5. Summary:

Under current law, driving while intoxicated (DWI) is a Class 1 misdemeanor. A second conviction of the offense carries a mandatory minimum jail sentence of 10 or 20 days, depending on the blood alcohol content of the offender.

The proposed legislation would make violation of the DWI statute a Class 6 felony, with a mandatory minimum sentence of one year in prison, if the offender had previously been convicted of involuntary manslaughter or causing serious bodily injury as a result of DWI or had a previous felony conviction of the DWI statute.

6. Budget Amendment Necessary: No. The General Assembly included funding for the fiscal impact of this legislation in the budget bill it passed.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013		
2014	\$50,000	General
2015		
2016		
2017		
2018		

8. Fiscal Implications:

By creating a new Class 6 felony with a mandatory minimum sentence of one year in prison, the proposed legislation could result in more persons being housed in prison.

However, due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 1559.

Date: 3/2/2013

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