



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1503 (Patron – Albo)

LD#: 15101319

Date: 1/5/2015

Topic: Driving after forfeiture of license

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
None (\$0) \*
- **Juvenile Detention Facilities:**  
None (\$0) \*

\* Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposed legislation amends § 18.2-272, relating to operating a motor vehicle on a revoked or restricted license following a conviction for driving while intoxicated (DWI).

Currently, under § 18.2-272(B), it is a Class 1 misdemeanor for an individual whose driver's license was revoked or restricted as the result of a DWI conviction to operate a motor vehicle with a blood alcohol content of 0.02 percent or more. The proposal adds language that simplifies the procedure by which a Commonwealth's Attorney may obtain a conviction under this subsection. Specifically, under the proposal, any person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath as indicated by a chemical test would be in violation of § 18.2-272(B). In essence, in lieu of existing procedures that could require multiple experts to provide testimony to establish that a violation of this subsection occurred, the proposal would specify that the results of a chemical test would be sufficient to prove a violation of this subsection. The proposal also modifies the language in § 18.2-272(B) relating to blood alcohol content so that it parallels language used in other statutes involving driving while intoxicated.

#### Analysis:

According to fiscal year (FY) 2013 and FY2014 General District (Traffic) Court Case Management System (CMS) data, 81.7% of offenders convicted of a Class 1 misdemeanor under § 18.2-272(B) for driving on a revoked or restricted license with a blood alcohol content greater than 0.02 percent (as the primary, or most serious, offense) were given a local-responsible (jail) term. The median sentence in these cases was one month. The remaining 18.3% did not receive an active term of incarceration to serve after sentencing.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Although a third or subsequent conviction under § 18.2-272 is punishable as a Class 6 felony, the proposal only modifies the procedures by which a conviction may be obtained. As a result, the proposal is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** The proposed modification to the procedures is unlikely to increase local-responsible (jail) bed space needs.

**Adult community corrections resources.** The proposal is unlikely to affect adult community corrections programs.

**Virginia's sentencing guidelines.** No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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