



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1259 (Patron – Newman)

LD#: 15103505 Revised

Date: 1/21/2015

Topic: Salvage, nonrepairable, and rebuilt vehicles

Fiscal Impact Summary:

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

- **Juvenile Correctional Centers:**
Cannot be determined*
- **Juvenile Detention Facilities:**
Cannot be determined*

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal modifies numerous sections of the *Code* relating to salvage, nonrepairable, and rebuilt vehicles. In addition to amending the definitions of several terms used in Chapter 16 of Title 46.2, the proposal replaces references to demolishers, rebuilders, scrap metal processors, and salvage dealers with “auto recycler.” According to the Virginia Department of Motor Vehicles (DMV), individuals who would be classified as scrap metal processors under the proposal are currently required to obtain a license as demolishers. As a result, including scrap metal processors in the definition of auto recycler and inserting this term into § 46.2-1601 would not expand the list of individuals who would be required to obtain a license under Chapter 16 of Title 46.2.

The proposed modifications to § 46.2-1608 would explicitly require licensees to collect certain information regarding individuals who purchase a vehicle from licensees. The Department of Motor Vehicles reports that businesses covered under the legislation already collect the information that the bill would require them to maintain. The language was added to ensure that DMV has access to this information as a part of their regular oversight of the industry.

Currently, under § 46.2-1609, a first violation of the provisions found in Chapter 16 of Title 46.2 is punishable as a Class 1 misdemeanor; any second or subsequent violation is punishable as a Class 5 felony. The General Assembly added this felony enhancement in 2011.

Analysis:

General District Court Case Management System (CMS) data for fiscal year (FY) 2009 through FY2014 indicate that 20 offenders were convicted of a Class 1 misdemeanor under the salvage provisions of Chapter 16 of Title 46.2. This offense was the primary, or most serious, offense in all of the cases. None

of these offenders received an active term of incarceration to serve after sentencing. Circuit Court CMS data indicate that an additional six offenders were convicted of this offense in Circuit Court during this six-year period. While the majority (83.3%) of these offenders did not receive an active term of incarceration to serve after sentencing, the remaining offender was sentenced to a local-responsible (jail) term of approximately one month.

The felony provisions of § 46.2-1609 became effective on July 1, 2011. According to Circuit Court CMS data for FY2012 through FY2014, no offenders were convicted of a felony for a second or subsequent violation of Chapter 16 of Title 46.2 during this time period.

Impact of Proposed Legislation:

State adult correctional facilities. Based on information provided by the Virginia Department of Motor Vehicles, the proposal will not require additional individuals to obtain a license pursuant to § 46.2-1601 or to collect additional information that is not currently retained. As a result, the proposal is not expected to increase the future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Similarly, the proposed legislation is not expected to impact local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal is not expected 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 (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

salvage02_3505