

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** SB1768

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

**2. Patron:** Mason

**3. Committee:** Transportation

**4. Title:** Use of handheld personal communications devices; highway work zones; penalty.

**5. Summary:** Prohibits any person while driving a moving motor vehicle in a highway work zone from holding a handheld personnel communications device, with exceptions. The bill provides that a violation is a Class 1 misdemeanor. Defines “Highway work zone” as a construction or maintenance area that is located on or beside a highway and is marked by appropriate warning signs with attached flashing lights or other traffic control devices indicating that work is in progress. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions, and a mandatory fine of \$250.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large portion of the jails’ operating costs, e.g. correctional officers. The state’s share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board’s most recent Jail Cost Report (November 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

Implementation of this bill’s provisions would likely result in more individuals being fined for improper use of handheld personal communication devices. A Class 1 misdemeanor, constitutes a fine of not more than \$2,500. All such fines are deposited in the state’s Literary Fund. At this time, it is not feasible to determine the likely increase in revenue that would be deposited to the Literary Fund as a result of the provisions of this legislation.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None