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SENATE BILL NO. 1336

Senate Amendments in [] - February 4, 2021

A BILL to amend the Code of Virginia by adding a section numbered 18.2-271.5, relating to restricted permits to operate a motor vehicle; ignition interlock systems.

Patrons Prior to Engrossment—Senators Stuart, Boysko and Surovell

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-271.5 as follows:

§ 18.2-271.5. *Restricted permits to operate a motor vehicle; ignition interlock systems.*

Notwithstanding any other provision of law, in any criminal case [for any violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2] where a defendant's license to operate a motor vehicle, engine, or train in the Commonwealth is subject to revocation or suspension and the court orders a defendant, as a condition of probation or otherwise, to enter into and successfully complete an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district upon such terms and conditions as the court may set forth, the court may, in its discretion and for good cause shown, issue the defendant a restricted license to operate a motor vehicle in accordance with the provisions of subsection E of § 18.2-271.1 where the only restriction of such restricted license that the court shall impose is to prohibit the defendant from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of not less than 12 consecutive months without alcohol-related violations of the interlock requirements.

In no event shall a defendant be permitted to enter any such alcohol safety action program that is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to § 18.2-271.2.

No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

The provisions of subsections E and F of § 18.2-271.1 shall apply to this section mutatis mutandis, except as herein provided.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

ENGROSSED

SB1336E