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## SENATE BILL NO. 1398

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 13, 2023)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend the Code of Virginia by adding a section numbered 46.2-223.1, relating to Department of Motor Vehicles; driving under the influence of alcohol, drugs, or a combination thereof; data collection and reporting.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-223.1 as follows:

§ 46.2-223.1. Collection and reporting of data related to driving under the influence of alcohol, drugs, or a combination thereof.

A. The Department shall collect data related to driving under the influence of alcohol, drugs, or a combination thereof, on an annual basis based on the calendar year. The Department may request data and shall be provided such data upon request from (i) every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or any political subdivision thereof; (ii) any criminal justice agency as defined in § 9.1-101; and (iii) the clerk of each circuit court. If the statewide Circuit Court Case Management System is used by the circuit court clerk, the Executive Secretary of the Supreme Court shall provide for the transfer of such data upon request of the Department.

B. The Department shall annually collect the following data based on the calendar year:

1. The number of motor vehicle and commercial motor vehicle crashes, injuries, serious injuries, and fatalities that involved alcohol, drugs, or a combination of alcohol and drugs, as maintained by the Department;

2. The number of drivers, passengers, bicyclists, and pedestrians killed in motor vehicle and commercial motor vehicle crashes, including the blood alcohol content and any drugs identified in the blood of each decedent driver, as maintained by the Office of the Chief Medical Examiner;

3. The number of full-time, sworn officer positions allotted to each law-enforcement agency and the number of full-time, sworn officers employed by each law-enforcement agency, as maintained by the Department of State Police;

4. The number of arrests for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-341.29, and 46.2-341.31, as maintained by the Department of State Police;

5. The number of charges and convictions for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-341.29, and 46.2-341.31 across all district and circuit courts, as maintained by the Executive Secretary of the Supreme Court of Virginia or any circuit court clerk who maintains an independent case management system;

6. The number of adults sentenced to a term of incarceration for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-270.1, 18.2-272, 46.2-341.24, 46.2-341.26:3, 46.2-341.29, and 46.2-341.31, including the active period of incarceration imposed and the length of time that the person was incarcerated, as maintained by the Compensation Board and the Department of Corrections;

7. The number of individuals ordered to report to the Virginia Alcohol Safety Action Program and the number of individuals under the supervision of such program, as maintained by the Virginia Alcohol Safety Action Program;

8. The number of ignition interlock devices installed on motor vehicles and the number of remote alcohol monitoring devices applied to individuals, as maintained by the Virginia Alcohol Safety Action Program;

9. The number of breath alcohol tests administered and the average blood alcohol concentration test results, as maintained by the Department of Forensic Science;

10. The number of driving under the influence-related blood sample submissions and any drugs or drug classes identified in such samples, as maintained by the Department of Forensic Science;

11. The total number of restrictions, suspensions, and revocations of Virginia driver's licenses and commercial driver's licenses for driving under the influence, as maintained by the Department;

12. The number of specific driving under the influence-related enforcement measures conducted by law-enforcement agencies, such as sobriety checkpoints, saturation patrols, and any other relevant measures, as maintained by the Department;

13. The total amount of grant money awarded to Virginia, each law-enforcement agency, and any other entity that is not a law-enforcement agency by the National Highway Traffic Safety Administration,

60 as maintained by the Department; and

61 14. Any other data deemed relevant and reliable by the Department.

62 C. The Department shall submit an annual report based on the data collected pursuant to subsection  
63 B on or before October 1 to the General Assembly, the Governor, and the Virginia State Crime  
64 Commission. The report shall also be made available to the public on the website of the Department.  
65 The data set forth in subsection B shall be reported at aggregate statewide level based on the calendar  
66 year over a period of at least five years and, to the extent possible, shall also be reported at an  
67 aggregate level by locality and by law-enforcement agency over the same time period. Additionally, to  
68 the extent possible, the data shall distinguish between alcohol, drug, or alcohol and drug impaired  
69 driving. Such report may also include recommendations to improve the enforcement of driving under the  
70 influence laws or the collection of relevant data.

71 D. Nothing in this section shall require any (i) department, division, board, bureau, commission,  
72 authority, or other agency created by the Commonwealth, or to which the Commonwealth is a party, or  
73 any political subdivision thereof; (ii) criminal justice agency as defined in § 9.1-101; or (iii) clerk of  
74 circuit court to provide data to the Department if the requested data is not regularly maintained by such  
75 entity or if such data is prohibited from such disclosure under any other law or under the Virginia  
76 Rules of Professional Conduct.

77 **2. That the Department of Motor Vehicles shall not be required to submit the first annual report**  
78 **required by subsection C of § 46.2-223.1 of the Code of Virginia, as created by this act, prior to**  
79 **October 1, 2024. Such report shall include data from calendar year 2019 through calendar year**  
80 **2023.**