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HOUSE BILL NO. 2204

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Delaney)

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;

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

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

31           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-  
32 268.3, 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  
33 the Department of State Police;

34           5. The number of charges and convictions for violations of §§ 18.2-36.1, 18.2-51.4, 18.2-266,  
35 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  
36 across all district and circuit courts, as maintained by the Executive Secretary of the Supreme Court of  
37 Virginia or any circuit court clerk who maintains an independent case management system;

38           6. The number of adults sentenced to a term of incarceration for violations of §§ 18.2-36.1, 18.2-  
39 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,  
40 and 46.2-341.31, including the active period of incarceration imposed and the length of time that the  
41 person was incarcerated, as maintained by the Compensation Board and the Department of Corrections;

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

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

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

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

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

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

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

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

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

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

76 **2. That the Department of Motor Vehicles shall not be required to submit the first annual report**  
77 **required by subsection C of § 46.2-223.1 of the Code of Virginia, as created by this act, prior to**

78 October 1, 2024. Such report shall include data from calendar year 2019 through calendar year  
79 2023.

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