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SENATE BILL NO. 1424

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice on February 9, 2009)

(Patron Prior to Substitute—Senator Martin)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-268.13, relating to DUI prior offenses; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-268.13 as follows:

§ 18.2-268.13. Driving under the influence; definition of substantially similar laws for determining number of prior offenses.

A statute or ordinance of another state, the United States, or a political subdivision of either, that criminalizes driving or operating a motor vehicle with a prohibited blood alcohol content of .08 percent or more by weight by volume or .08 grams or more per 210 liters of breath shall be deemed to be a substantially similar law for the purpose of determining the number of offenses committed by a person and the punishment appropriate pursuant to clause (ii) of subsection E of § 18.2-270. In addition, a driving under the influence conviction in a state contiguous to the Commonwealth or in the District of Columbia shall be deemed to be a substantially similar law for the purpose of determining the number of offenses committed by a person and the punishment appropriate pursuant to clause (ii) of subsection E of § 18.2-270

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, the estimated amount of the necessary appropriation is $ _ for periods of imprisonment in state adult correctional facilities and is $_ for periods of commitment to the custody of the Department of Juvenile Justice.