

**Virginia State Crime Commission
Recommendations and Policy Options for Consideration
December 5, 2022**

DUI Laws and Enforcement Study:

Legislative Items:

Policy Option 1: Repeal or amend the prohibition on stops, searches, and seizures based solely on the odor of marijuana.

Policy Option 2: Add a 3ng/mL per se limit for marijuana (THC) in DUI cases.

Policy Option 3: Allow for the preliminary roadside screening of a person's saliva for the presence of drugs (similar to an alcohol PBT) in DUI cases.

Policy Option 4: Require the Commonwealth to pay hospital employees who performed a DUI blood draw \$250 if they appear one-time for any hearing or trial related to the blood draw.

Policy Option 5: Require the Department of Forensic Science to conduct both alcohol and drug screening on all DUI blood draw submissions. DFS could screen for certain drugs or all drugs.

Policy Option 6: Require the Department of Motor Vehicles Highway Safety Office (DMV) to collect existing data from various sources on DUI trends and enforcement across Virginia by both locality and individual law enforcement agencies and provide an annual comprehensive report on the status of impaired driving in the Commonwealth.

Policy Option 7: Require the Office of the Chief Medical Examiner to perform a blood test on all drivers killed in motor vehicle and boating accidents and to report the results.

Policy Option 8: Amend the driving, boating, and commercial DUI refusal statutes to ensure procedural consistency across these statutes.

Policy Option 9: Require any defendant challenging the lawfulness of a DUI arrest in a refusal prosecution to file a motion challenging the arrest prior to the trial.

Policy Option 10: Create a new statute to explicitly allow for the admission of accident reconstruction expert testimony in a criminal case after the expert has been properly qualified and a foundation for such testimony has been established.

**Virginia State Crime Commission
Recommendations and Policy Options for Consideration
December 5, 2022**

Budget Amendment:

Recommendation 1: Continue funding for the Virginia State Police (VSP) to provide Drug Recognition Expert (DRE), Advanced Roadside Impaired Driving Enforcement (ARIDE), and drug impaired driving training for both state and local law enforcement officers.

- Three options with associated costs will be presented based on the scope of the training.

Letter Request:

Recommendation 2: Request that the Office of the Executive Secretary of the Supreme Court of Virginia (OES) include drug impaired driving at the upcoming mandatory 2023 District Court Judges' conference.

Expungement and Sealing Study:

Policy Option 1: Amend the expungement and sealing statutes to reconcile and align these processes, and to streamline the expungement process.