



COMMONWEALTH of VIRGINIA

Commission

on the

Virginia Alcohol Safety Action Program (VASAP)

Senator Richard H. Stuart
Chairman

Angela D. Coleman
Executive Director

QUARTERLY BOARD MEETING

Friday, September 13, 2024

Senate Room A

General Assembly Building

201 N. 9th Street

Richmond, VA 23219

10:00 am

AGENDA

- I. CALL TO ORDER /INTRODUCTIONS
Senator Richard H. Stuart, Chairman
- II. APPROVAL OF MINUTES
- III. 2024 VASAP INAUGURAL LEADERSHIP PROGRAM PRESENTATION
Ms. Angela D. Coleman
- IV. CAPITAL AREA ASAP CERTIFICATION UPDATE
Ms. Angela D. Coleman
- V. LEGISLATIVE REVIEW
Mr. Christopher B. Morris
Ms. Charlene B. Motley
- VI. EXECUTIVE DIRECTOR'S REPORT
Ms. Angela D. Coleman
- VII. EXECUTIVE SESSION
- VIII. 2024 MEETING DATE
December 6
- IX. ADJOURNMENT

Members:

Senator Richard H. Stuart, Chairman
Mr. John Saunders, Vice Chairman
Senator Scott A. Surovell
Delegate James A. "Jay" Leftwich, Jr.
Delegate Patrick A. Hope
Delegate Rae C. Cousins
Delegate Atoosa R. Reaser
The Honorable George D. Varoutsos
The Honorable Mary Jane Hall

The Honorable Gino Williams
Ms. Margaret Steele
Ms. Pat Eggleston
Ms. Krystal Hullette
Ms. Loren "Ashley" Cole

Staff:

Ms. Angela D. Coleman, Executive Director

**COMMISSION ON VASAP
QUARTERLY MEETING**

June 7, 2024

Minutes

Attendance:

Commission Members:

Mr. John L. Saunders, Vice Chairman
Delegate Patrick A. Hope
Delegate James A. Leftwich, Jr.
Delegate Rae C. Cousins
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Ms. Margaret Steele
Ms. Krystal Hullette
Ms. Pat Eggleston

Teleconference:

Senator Scott A. Surovell
The Honorable Mary Jane Hall

Absent:

Senator Richard H. Stuart, Chairman
Delegate Atoosa R. Reaser

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Shelby Edwards
Mr. Glen Miller
Mr. Christopher Morris
Ms. Charlene Motley
Mr. Richard Phillips
Ms. LeAnne Turner

Office of the Attorney General

Ms. Janet Baugh

Time and Place

The quarterly meeting of the Commission on Virginia Alcohol Safety Action Program (VASAP) was conducted in Senate Room A at the General Assembly Building in Richmond, Virginia on June 7, 2024, at 10:00 a.m.

Mr. John L. Saunders, Vice Chairman, presided and called the meeting to order at 10:03 a.m. Ms. Angela Coleman, Executive Director, called roll of the Commission Members.

Approval of the Minutes

The Honorable Gino W. Williams moved, and Delegate James A. Leftwich, Jr., seconded the motion that the minutes from the December 8, 2023, Commission meeting be approved. All were in favor; none opposed.

The Honorable Gino W. Williams moved, and Delegate Rae C. Cousins, seconded the motion that the minutes from the March 22, 2024, Commission meeting be approved. All were in favor; none opposed.

Local ASAP Certification Report

Ms. Charlene Motley, Commission on VASAP Field Services Supervisor, provided the Commission with an overview of the certification process. She stated that when auditing cases, the certification team is looking to determine such things as:

- Consent properly executed.
- Referral document present.
- Intake conducted within 30 days.
- Was the offender properly classified.
- Intervention assignment within 60 days of intake.
- Ignition Interlock monitored monthly.
- Court violations are reported to the court, if applicable.
- DMV completion entered into the DMV system.

Ms. Motley reported the following ASAPs passed certification with no issues:

| | |
|-----------------------------|-------------------------|
| Central Virginia | New River Valley |
| Court Community Corrections | Old Dominion |
| Dan River | Rockingham-Harrisonburg |
| James Rivers | Southside Virginia |
| Mount Rogers | Southwest Virginia |

Ms. Motley reported that the ASAPs not mentioned, with the exception of Capital Area ASAP, passed certification with minor issues that were addressed in action plans provided by the program director.

Ms. Motley reported that the current certification for each of the local ASAPs will expire on June 30, 2024. She recommended the Commission certify the following ASAPs through June 30, 2027:

| | |
|-----------------------------|-------------------------|
| Arlington | Mount Rogers |
| Bull Run | New River Valley |
| Central Virginia | Old Dominion |
| Chesapeake Bay | Peninsula |
| Court Community Corrections | Rappahannock |
| Dan River | Rockingham/Harrisonburg |
| District Nine | Southeastern Virginia |
| Fairfax | Southside Virginia |
| James River | Southwest Virginia |
| John Tyler | Tri River |

Judge Williams moved, and Delegate Leftwich, seconded the motion that programs listed above be certified through June 30, 2027. Eleven members were in favor, The Honorable George D. Varoutsos abstained on the vote for Arlington ASAP.

Ms. Motley provided the certification review for Capital Area ASAP. There were several deficiencies cited.

- Failure to meet the 30-day intake deadline
- Failure to meet the 60-day intervention deadline
- Failure to have treatment consent forms in the case file
- Failure to record timely interlock reviews
- Failure to timely report to the referring court of client's failure to timely contact ASAP
- Allowing long periods of time to pass without any form of case review
- Failure to timely record all relevant activity of client in ECM notes
- Failure to timely scan documents into ECM
- Failure to timely place successful case closure into DMV
- Failure to pay the required state share fee

Ms. Motley reported that Capital Area ASAP provided their action plan which is included in the meeting materials.

Capital Area ASAP Certification Action Plan

James H. Johnson, Director of Capital Area ASAP, and Mr. William Muse, Capital Area ASAP Policy Board Chairman, were present to speak to their action plan. Mr. Johnson began by thanking the Commission as well as John Tyler ASAP for their assistance. He stated this is the first time in thirteen years that Capital Area ASAP had any significant issues with certification, and he attributed it to the loss of experienced staff due to low salaries. Mr. Johnson referred to the action plan provided to the Commission, which is included in the meeting materials. Mr. Johnson reported that he takes full responsibility for the deficiencies and stated that if the members of the Commission had any questions on his action plan, he is there to speak on it.

Mr. Johnson reported that he plans to retire around Labor Day and shared that it was a privilege to work as the Director for Capital Area ASAP. He expressed his support of a program merger with John Tyler ASAP, as their service areas overlap.

Judge Williams questioned the outstanding warrant in debt in the amount of \$21,239.80 (four month's rent) and the legal fees in the amount of \$5,309.95 as outlined in the report. Mr. Johnson reported that the debt is related to outstanding rent and fees related to their previous office location and is hopeful an agreement will be reached.

Ms. Angela Coleman emphasized the significance of ensuring that citizens within the jurisdiction of Capital Area continue to receive services. Ms. Coleman spoke on the concerns referenced in the certification report and advised the Commission that staff will be working with the local ASAP to ensure that these areas have been corrected. Ms. Coleman reported that Commission staff are looking into securing office space within the DMV for people in the City of Richmond who need access to the program when the current Capital Area ASAP is merged.

Ms. Coleman recommended that the Commission grant Capital Area ASAP conditional certification until the next Commission meeting on September 13, 2024.

Delegate Cousins asked Mr. Johnson about the City of Richmond funding mentioned in his action plan. Mr. Johnson reported that the City of Richmond has awarded Capital Area ASAP \$100,000. He is uncertain how these funds will be distributed or the reporting requirements of the grant. He has been in contact with the City of Richmond and should have more information closer to July 1, 2024.

Ms. Janet Baugh, Office of the Attorney General, informed the Commission that the Warrant in Debt is the sole responsibility of Capital Area ASAP.

Delegate Patrick A. Hope requested more information regarding the oversight of Capital Area ASAP should the Commission approve the conditional certification. He wanted to ensure there would be accountability. Ms. Coleman reported commission staff were already activated and will be looking at cases.

Judge Williams moved for the conditional certification of Capital Area ASAP until the next Commission meeting on September 13, 2024. Delegate Cousins seconded the motion. All were in favor; none opposed.

Delegate Cousins, Mr. Saunders and Judge Varoutsos thanked Mr. Johnson for his dedication and his service to ASAP.

Local ASAP Budget Review/Approval

Mr. Christopher Morris, Special Programs Coordinator, stated there has been a trickle-down effect on salaries from the state’s allocation of interlock funds as discussed in the previous meeting. Although salaries have seen an increase and are moving in the right direction, they have not reached the desired level yet in some areas.

Mr. Morris explained to the Commission that the 100% increase they see on some budgets is due to a change made to the financial platform this year. It does not reflect an actual 100% increase, but rather a new position being added to the budget.

Mr. Morris recommended to approve the budgets of the local ASAPs with the exception of Capital Area ASAP:

- | | |
|-----------------------------|-------------------------|
| Arlington | Mount Rogers |
| Bull Run | New River Valley |
| Central Virginia | Old Dominion |
| Chesapeake Bay | Peninsula |
| Court Community Corrections | Rappahannock |
| Dan River | Rockingham/Harrisonburg |
| District Nine | Southeastern Virginia |
| Fairfax | Southside Virginia |
| James River | Southwest Virginia |
| John Tyler | Tri River |

Delegate Patrick A. Hope moved to approve the FY25 budgets presented for approval, Delegate Rae C. Cousins seconded the motion. All were in favor; none opposed.

Capital Area ASAP

Mr. Morris stated that many of the areas he planned to speak on regarding Capital Area ASAP had already been covered. These included the back rent, the warrant in debt and the \$100,000 allocation from the City of Richmond. Mr. Morris reported the reason Capital Area's budget was set aside was due to those concerns as well as the approximate \$41,000 in outstanding bills due. Mr. Morris stated that the state office had to pay back rent to keep Capital Area ASAP open to continue to provide services and protect the confidentiality of client files. Mr. Morris stated that Ms. Coleman was able to talk to the John Tyler ASAP Policy Board and secure space at John Tyler for Capital Area ASAP.

Mr. Morris recommended that Capital Area's FY25 budget be conditionally approved through the next Commission meeting on September 13, 2024.

Delegate Hope raised concerns regarding granting a conditional budget approval for FY25 and requested clarification. Ms. Coleman responded that the conditional budget approval would be for expenses through the next Commission meeting on September 13, 2024. The current budget will expire on June 30, 2024. Ms. Coleman reported that allowing the conditional budget approval will ensure that Capital Area ASAP is able to continue to pay their staff and operating expenses.

The Honorable Mary Jane Hall asked if the Commission approves a merger of Capital Area ASAP and John Tyler ASAP will a new budget be required. Mr. Morris responded that if a merger happens, John Tyler ASAP will need to provide a new budget for approval. Ms. Coleman stated that John Tyler ASAP Policy Board is already in agreement with the merger.

Judge Williams moved that the Capital Area ASAP budget be conditionally approved until the next Commission Meeting on September 13, 2024. Delegate Rae C. Cousins seconded the motion. All were in favor; none opposed.

Executive Director's Report

Ms. Coleman presented the Executive Director's report.

End of Fiscal Year

Ms. Coleman reported that as required she has provided the Commission with the Deficit Provision Acknowledgment Form, which is included in their meeting materials, acknowledging that the agency has not and will not incur a deficit.

Training Activities

Ms. Coleman reported that the Commission is hosting an ASAP, Court, and DMV training session this year. It is an opportunity to network and bring the three agencies together for an all-day training. This training has not been conducted since pre-covid and those involved are excited to attend.

Ms. Coleman shared that the VASAP Annual Training Conference will be held on August 7 & 8, 2024 with check in on August 6, 2024, at the Hilton Richmond Hotel in Short Pump. Ms. Coleman extended an invitation to the Commission members. She shared that The Honorable Gino W. Williams and The Honorable Jody Fariss will be speakers as part of a judge's panel during the VASAP Training Conference. Ms. Coleman stated that the training is mandatory for all full-time Directors, Case Managers and Case Management Assistants.

Mr. Saunders shared that the annual training conference is well worth the time to attend as the quality of the sessions and the training provided is exceptional.

Interlock Summary Report

Ms. Coleman spoke on the Ignition Interlock and Remote Monitoring Summary Report, sharing that the interlock numbers have reverted to pre-covid numbers. She reported that commission

staff provide oversight and inspection of interlock facilities and Mr. Richard Phillips, Ignition Interlock Technical Support Specialist, has already begun his on-site inspections.

Senator Scott A. Surovell thanked the commission staff for the addition of the RAMD numbers to the report. He requested that the data from year to year is added to show trends. Ms. Coleman stated it will be added.

Senator Surovell asked if commission staff had any idea as to why the number of interlocks installed at Bull Run ASAP is higher than Fairfax ASAP, when Fairfax ASAP has a higher population. He asked whether it might be an enforcement matter. Mr. Morris responded that he did not know why the numbers were higher for Bull Run ASAP but overall numbers were higher due to the law where 12 months of interlock is ordered if someone chooses interlock as the only restriction.

2024 Meeting Dates

September 13

December 6

Mr. Saunders thanked Ms. Coleman and the commission staff for their hard work and dedication to improving highway safety.

Adjournment

Delegate James A. Leftwich, Jr. moved, and The Honorable Gino W. Williams seconded, that the meeting be adjourned. All were in favor; none opposed. There being no further business, Mr. Saunders, Vice Chairman, adjourned the meeting at 10:53 am.

Senator Richard H. Stuart, Chairman

Commission on VASAP
Inaugural
Leadership Program
2024

| Graduates | ASAP |
|--------------------------------|------------------------------------|
| Michelle Anderson | Court Community Corrections |
| LaVeice Farrell | Southeastern Virginia |
| Ciara Lindsey | Peninsula |
| Nancy Mayer | John Tyler |
| LaNeisha McMiller-Smith | Tri-River |
| Bridget Mullins | Old Dominion |
| Amanda Proffitt | Central Virginia |
| Tamara Pugh | Chesapeake Bay |

FY 24 Court Waived ASAP Fees

| ASAP Program | # of Fee Waived Cases |
|-----------------------------|------------------------------|
| Arlington | 0 |
| Bull Run | 3 |
| Capital Area | 0 |
| Central Virginia | 5 |
| Chesapeake Bay | 12 |
| Court Community Corrections | 3 |
| Dan River | 0 |
| District Nine | 1 |
| Fairfax | 0 |
| James River | 2 |
| John Tyler | 23 |
| Mount Rogers | 0 |
| New River Valley | 0 |
| Old Dominion | 3 |
| Peninsula | 4 |
| Rappahanock Area | 0 |
| Rockingham/Harrisonburg | 0 |
| Southeastern Virginia | 0 |
| Southside Virginia | 2 |
| Southwest Virginia | 0 |
| Tri River | 7 |
| Total | 65 |

** Reported by local ASAP directors for court waived fees during FY 24*

VASAP

VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Fee Guidance

| TYPE OF SERVICE: | CHARGE (UP TO): |
|---|------------------------|
| ASAP ENTRY FEE | \$300.00 |
| DMV ORDERED INTERVENTION INTERVIEW | \$30.00 |
| DRIVER IMPROVEMENT PROGRAM (DMV REFERRED) | \$75.00 |
| MULTIPLE OFFENDER CASE MONITORING: | |
| FIRST YEAR | \$0 |
| SECOND YEAR (MUST HAVE COURT ORDER FOR CONTINUED MONITORING) | \$30.00 quarterly |
| THIRD YEAR (MUST HAVE COURT ORDER FOR CONTINUED MONITORING) | \$30.00 semi-annually |
| DRUG SCREEN FEE | \$25.00 |
| EDUCATION INTERVENTION FEE (CAN ONLY BE CHARGED ONCE) | \$100.00 |
| HABITUAL OFFENDER/MULTIPLE OFFENDER RESTORATION EVALUATION | \$175.00 |
| INTERLOCK MONITORING/ELECTRONIC MONITORING | \$50.00/month |
| CLASS RESCHEDULE FEE (MAY BE CHARGED 2X ONLY) | \$25.00 |
| RE-ENROLLMENT FEE: | |
| WITHIN FIRST YEAR | \$50.00 |
| AFTER THE FIRST YEAR | \$300.00 |
| REFERRAL TO ASAP AFTER HABITUAL OFFENDER EVALUATION | \$300.00 |
| REINSTATEMENT FEE (MAY BE CHARGED 2X TIMES ONLY) | \$25.00 |
| YOUNG OFFENDER FEE (NON-DRIVING RELATED) | \$150.00 |

24102760D

HOUSE BILL NO. 774

Offered January 10, 2024

Prefiled January 9, 2024

A BILL to amend and reenact § 18.2-271.1 of the Code of Virginia, relating to alcohol safety action program; local administrative fee.

Patron—Herring

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-271.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-271.1. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state or federal law.

A. Any person convicted of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, shall be required by court order, 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. However, upon motion of a person convicted of any such offense following an assessment of the person conducted by an alcohol safety action program, the court, for good cause, may decline to order participation in such a program if the assessment by the alcohol safety action program indicates that intervention is not appropriate for such person. In no event shall such persons be permitted to enter any such program which is not certified as meeting minimum standards and criteria established by the Commission on the Virginia Alcohol Safety Action Program (VASAP) pursuant to this section and to § 18.2-271.2. However, any person charged with a violation of a first or second offense of § 18.2-266, or any ordinance of a county, city, or town similar to the provisions thereof, or provisions of subsection A of § 46.2-341.24, may, at any time prior to trial, enter into an alcohol safety action program in the judicial district in which such charge is brought or in any other judicial district. Any person who enters into such program prior to trial may pre-qualify with the program to have an ignition interlock system installed on any motor vehicle owned or operated by him. However, no ignition interlock company shall install an ignition interlock system on any such vehicle until a court issues to the person a restricted license with the ignition interlock restriction.

B. The court shall require the person entering such program under the provisions of this section to pay a fee of no less than \$250 but no more than \$300. A reasonable portion of such fee, as may be determined by the Commission on VASAP, but not to exceed 10 percent, shall be forwarded monthly to be deposited with the State Treasurer for expenditure by the Commission on VASAP, and the balance shall be held in a separate fund for local administration of driver alcohol rehabilitation programs. Upon a positive finding that the defendant is indigent, the court may reduce or waive the fee. In addition to the costs of the proceeding, fees as may reasonably be required of defendants referred for intervention under any such program may be charged. *Notwithstanding the other provisions of this subsection, any county, city, or town, or any combination thereof, that has established and operates an alcohol safety action program pursuant to this section and supplements fees collected for the program pursuant to this subsection by more than 33 percent annually in order to fully fund the program may charge a local administrative fee of no more than \$100 to each person entering such program under the provisions of this section.*

C. Upon conviction of a violation of § 18.2-266 or any ordinance of a county, city or town similar to the provisions thereof, or subsection A of § 46.2-341.24, the court shall impose the sentence authorized by § 18.2-270 or 46.2-341.28 and the license revocation as authorized by § 18.2-271. In addition, if the conviction was for a second offense committed within less than 10 years after a first such offense, the court shall order that restoration of the person's license to drive be conditioned upon the installation of an ignition interlock system on each motor vehicle, as defined in § 46.2-100, owned by or registered to the person, in whole or in part, for a period of six months beginning at the end of the three year license revocation, unless such a system has already been installed for six months prior to that time pursuant to a restricted license order under subsection E. Upon a finding that a person so convicted is required to participate in the program described herein, the court shall enter the conviction on the warrant, and shall note that the person so convicted has been referred to such program. The court may then proceed to issue an order in accordance with subsection E, if the court finds that the person so convicted is eligible for a restricted license. If the court finds good cause for a person not to participate in such program or

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HB774

59 subsequently that such person has violated, without good cause, any of the conditions set forth by the
60 court in entering the program, the court shall dispose of the case as if no program had been entered, in
61 which event the revocation provisions of § 46.2-389 and subsection A of § 46.2-391 shall be applicable
62 to the conviction. The court shall, upon final disposition of the case, send a copy of its order to the
63 Commissioner of the Department of Motor Vehicles. If such order provides for the issuance of a
64 restricted license, the Commissioner of the Department of Motor Vehicles, upon receipt thereof, shall
65 issue a restricted license. The period of time during which the person (i) is prohibited from operating a
66 motor vehicle that is not equipped with an ignition interlock system, (ii) is required to have an ignition
67 interlock system installed on each motor vehicle owned by or registered to the person, in whole or in
68 part, or (iii) is required to use a remote alcohol monitoring device shall be calculated from the date the
69 person is issued a restricted license by the court; however, such period of time shall be tolled upon the
70 expiration of the restricted license issued by the court until such time as the person is issued a restricted
71 license by the Department of Motor Vehicles. Appeals from any such disposition shall be allowed as
72 provided by law. The time within which an appeal may be taken shall be calculated from the date of the
73 final disposition of the case or any motion for rehearing, whichever is later.

74 D. Any person who has been convicted under the law of another state or the United States of an
75 offense substantially similar to the provisions of § 18.2-266 or subsection A of § 46.2-341.24, and whose
76 privilege to operate a motor vehicle in this Commonwealth is subject to revocation under the provisions
77 of § 46.2-389 and subsection A of § 46.2-391, may petition the general district court of the county or
78 city in which he resides that he be given probation and assigned to a program as provided in subsection
79 A and that, upon entry into such program, he be issued an order in accordance with subsection E. If the
80 court finds that such person would have qualified therefor if he had been convicted in this
81 Commonwealth of a violation of § 18.2-266 or subsection A of § 46.2-341.24, the court may grant the
82 petition and may issue an order in accordance with subsection E as to the period of license suspension
83 or revocation imposed pursuant to § 46.2-389 or subsection A of § 46.2-391. The court (i) shall, as a
84 condition of a restricted license, prohibit such person from operating a motor vehicle that is not
85 equipped with a functioning, certified ignition interlock system for a period of time not to exceed the
86 period of license suspension and restriction, not less than six consecutive months without alcohol-related
87 violations of interlock requirements, and (ii) may, upon request of such person and as a condition of a
88 restricted license, require such person to use a remote alcohol monitoring device in accordance with the
89 provisions of subsection E of § 18.2-270.1. Such order shall be conditioned upon the successful
90 completion of a program by the petitioner. If the court subsequently finds that such person has violated
91 any of the conditions set forth by the court, the court shall dispose of the case as if no program had
92 been entered and shall notify the Commissioner, who shall revoke the person's license in accordance
93 with the provisions of § 46.2-389 or subsection A of § 46.2-391. A copy of the order granting the
94 petition or subsequently revoking or suspending such person's license to operate a motor vehicle shall be
95 forthwith sent to the Commissioner of the Department of Motor Vehicles. The period of time during
96 which the person (a) is prohibited from operating a motor vehicle that is not equipped with an ignition
97 interlock system or (b) is required to use a remote alcohol monitoring device shall be calculated from
98 the date the person is issued a restricted license by the court; however, such period of time shall be
99 tolled upon the expiration of the restricted license issued by the court until such time as the person is
100 issued a restricted license by the Department of Motor Vehicles.

101 No period of license suspension or revocation shall be imposed pursuant to this subsection which,
102 when considered together with any period of license suspension or revocation previously imposed for the
103 same offense under the law of another state or the United States, results in such person's license being
104 suspended for a period in excess of the maximum periods specified in this subsection.

105 E. Except as otherwise provided herein, if a person enters a certified program pursuant to this
106 section, and such person's license to operate a motor vehicle, engine, or train in the Commonwealth has
107 been suspended or revoked, or a person's license to operate a motor vehicle, engine, or train in the
108 Commonwealth has been suspended or revoked pursuant to former § 18.2-259.1 or 46.2-390.1, the court
109 may, in its discretion and for good cause shown, provide that such person be issued a restricted permit
110 to operate a motor vehicle for any of the following purposes: (i) travel to and from his place of
111 employment; (ii) travel to and from an alcohol rehabilitation or safety action program; (iii) travel during
112 the hours of such person's employment if the operation of a motor vehicle is a necessary incident of
113 such employment; (iv) travel to and from school if such person is a student, upon proper written
114 verification to the court that such person is enrolled in a continuing program of education; (v) travel for
115 health care services, including medically necessary transportation of an elderly parent or, as designated
116 by the court, any person residing in the person's household with a serious medical problem upon written
117 verification of need by a licensed health professional; (vi) travel necessary to transport a minor child
118 under the care of such person to and from school, day care, and facilities housing medical service
119 providers; (vii) travel to and from court-ordered visitation with a child of such person; (viii) travel to a
120 screening, evaluation, and education program entered pursuant to § 18.2-251 or subsection H of

121 § 18.2-258.1; (ix) travel to and from court appearances in which he is a subpoenaed witness or a party
 122 and appointments with his probation officer and to and from any programs required by the court or as a
 123 condition of probation; (x) travel to and from a place of religious worship one day per week at a
 124 specified time and place; (xi) travel to and from appointments approved by the Division of Child
 125 Support Enforcement of the Department of Social Services as a requirement of participation in an
 126 administrative or court-ordered intensive case monitoring program for child support for which the
 127 participant maintains written proof of the appointment, including written proof of the date and time of
 128 the appointment, on his person; (xii) travel to and from jail to serve a sentence when such person has
 129 been convicted and sentenced to confinement in jail and pursuant to § 53.1-131.1 the time to be served
 130 is on weekends or nonconsecutive days; (xiii) travel to and from the facility that installed or monitors
 131 the ignition interlock in the person's vehicle; (xiv) travel to and from a job interview for which he
 132 maintains on his person written proof from the prospective employer of the date, time, and location of
 133 the job interview; or (xv) travel to and from the offices of the Virginia Employment Commission for the
 134 purpose of seeking employment. However, (a) any such person who is eligible to receive a restricted
 135 license as provided in subsection C of § 18.2-270.1 or (b) any such person ordered to use a remote
 136 alcohol monitoring device pursuant to subsection E of § 18.2-270.1 who has a functioning, certified
 137 ignition interlock system as required by law may be issued a restricted permit to operate a motor vehicle
 138 for any lawful purpose. No restricted license issued pursuant to this subsection shall permit any person
 139 to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act
 140 (§ 46.2-341.1 et seq.). The court shall order the surrender of such person's license to operate a motor
 141 vehicle to be disposed of in accordance with the provisions of § 46.2-398 and shall forward to the
 142 Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this
 143 subsection, which shall specifically enumerate the restrictions imposed and contain such information
 144 regarding the person to whom such a permit is issued as is reasonably necessary to identify such person.
 145 The court shall also provide a copy of its order to the person so convicted who may operate a motor
 146 vehicle on the order until receipt from the Commissioner of the Department of Motor Vehicles of a
 147 restricted license, if the order provides for a restricted license for that time period. A copy of such order
 148 and, after receipt thereof, the restricted license shall be carried at all times while operating a motor
 149 vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to
 150 this section is guilty of a violation of § 18.2-272. Such restricted license shall be conditioned upon
 151 enrollment within 15 days in, and successful completion of, a program as described in subsection A. No
 152 restricted license shall be issued during the first four months of a revocation imposed pursuant to
 153 subsection B of § 18.2-271 or subsection A of § 46.2-391 for a second offense of the type described
 154 therein committed within 10 years of a first such offense. No restricted license shall be issued during the
 155 first year of a revocation imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391
 156 for a second offense of the type described therein committed within five years of a first such offense.
 157 No restricted license shall be issued during any revocation period imposed pursuant to subsection C of
 158 § 18.2-271 or subsection B of § 46.2-391. Notwithstanding the provisions of § 46.2-411, the fee charged
 159 pursuant to § 46.2-411 for reinstatement of the driver's license of any person whose privilege or license
 160 has been suspended or revoked as a result of a violation of § 18.2-266, subsection A of § 46.2-341.24 or
 161 of any ordinance of a county, city, or town, or of any federal law or the laws of any other state similar
 162 to the provisions of § 18.2-266 or subsection A of § 46.2-341.24 shall be \$105. Forty dollars of such
 163 reinstatement fee shall be retained by the Department of Motor Vehicles as provided in § 46.2-411, \$40
 164 shall be transferred to the Commission on VASAP, and \$25 shall be transferred to the Commonwealth
 165 Neurotrauma Initiative Trust Fund. Any person who is otherwise eligible to receive a restricted license
 166 issued in accordance with this subsection or as otherwise provided by law shall not be required to pay
 167 in full his fines and costs, as defined in § 19.2-354.1, before being issued such restricted license.

168 F. The court shall have jurisdiction over any person entering such program under any provision of
 169 this section, or under any provision of § 46.2-392, until such time as the case has been disposed of by
 170 either successful completion of the program, or revocation due to ineligibility or violation of a condition
 171 or conditions imposed by the court, whichever shall first occur. Revocation proceedings shall be
 172 commenced by notice to show cause why the court should not revoke the privilege afforded by this
 173 section. Such notice shall be made by first-class mail to the last known address of such person, and
 174 shall direct such person to appear before the court in response thereto on a date contained in such
 175 notice, which shall not be less than 10 days from the date of mailing of the notice. Failure to appear in
 176 response to such notice shall of itself be grounds for revocation of such privilege. Notice of revocation
 177 under this subsection shall be sent forthwith to the Commissioner of the Department of Motor Vehicles.

178 G. For the purposes of this section, any court that has convicted a person of a violation of
 179 § 18.2-266, subsection A of § 46.2-341.24, any ordinance of a county, city, or town similar to the
 180 provisions of § 18.2-266, or any reckless driving violation under Article 7 (§ 46.2-852 et seq.) of
 181 Chapter 8 of Title 46.2 and such person was initially charged with a violation of § 18.2-266, subsection

182 A of § 46.2-341.24, or any ordinance of a county, city, or town similar to the provisions of § 18.2-266
183 shall have continuing jurisdiction over such person during any period of license revocation related to
184 that conviction, for the limited purposes of (i) referring such person to a certified alcohol safety action
185 program, (ii) providing for a restricted permit for such person in accordance with the provisions of
186 subsection E, and (iii) imposing terms, conditions and limitations for actions taken pursuant to clauses
187 (i) and (ii), whether or not it took either such action at the time of the conviction. This continuing
188 jurisdiction is subject to the limitations of subsection E that provide that no restricted license shall be
189 issued during a revocation imposed pursuant to subsection C of § 18.2-271 or subsection B of
190 § 46.2-391 or during the first four months or first year, whichever is applicable, of the revocation
191 imposed pursuant to subsection B of § 18.2-271 or subsection A of § 46.2-391. The provisions of this
192 subsection shall apply to a person convicted of a violation of § 18.2-266, subsection A of § 46.2-341.24,
193 any ordinance of a county, city, or town similar to the provisions of § 18.2-266, or any reckless driving
194 violation under Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 and such person was initially
195 charged with a violation of § 18.2-266, subsection A of § 46.2-341.24, or any ordinance of a county,
196 city, or town similar to the provisions of § 18.2-266 on, after and at any time prior to July 1, 2003.

197 H. The State Treasurer, the Commission on VASAP or any city or county is authorized to accept any
198 gifts or bequests of money or property, and any grant, loan, service, payment or property from any
199 source, including the federal government, for the purpose of driver alcohol education. Any such gifts,
200 bequests, grants, loans or payments shall be deposited in the separate fund provided in subsection B.

201 I. The Commission on VASAP, or any county, city, or town, or any combination thereof, may
202 establish and, if established, shall operate, in accordance with the standards and criteria required by this
203 subsection, alcohol safety action programs in connection with highway safety. Each such program shall
204 operate under the direction of a local independent policy board. Such local independent policy board
205 shall be chosen in accordance with procedures approved and promulgated by the Commission on
206 VASAP. Such procedures shall provide that the board shall endeavor to select one criminal defense
207 attorney who has specialized knowledge in representing persons charged with driving while intoxicated
208 offenses and one local attorney for the Commonwealth to sit on such local independent policy board.
209 Local sitting or retired district court judges who regularly hear or heard cases involving driving under
210 the influence and are familiar with their local alcohol safety action programs may serve on such boards.
211 The Commission on VASAP shall establish minimum standards and criteria for the implementation and
212 operation of such programs and shall establish procedures to certify all such programs to ensure that
213 they meet the minimum standards and criteria stipulated by the Commission. The Commission shall also
214 establish criteria for the administration of such programs for public information activities, for accounting
215 procedures, for the auditing requirements of such programs and for the allocation of funds. Funds paid
216 to the Commonwealth hereunder shall be utilized in the discretion of the Commission on VASAP to
217 offset the costs of state programs and local programs run in conjunction with any county, city or town
218 and costs incurred by the Commission. The Commission shall submit an annual report as to actions
219 taken at the close of each calendar year to the Governor and the General Assembly.

220 J. Notwithstanding any other provisions of this section or of § 18.2-271, nothing in this section shall
221 permit the court to suspend, reduce, limit, or otherwise modify any disqualification from operating a
222 commercial motor vehicle imposed under the provisions of the Virginia Commercial Driver's License
223 Act (§ 46.2-341.1 et seq.).

REVIEWS

2024 VA SAP Training Conference

"Thank you for a great conference. This year was the best one yet."

"I enjoyed the judge panel and the discussion on mental health. Both sessions were valuable and presented in an engaging and productive manner."

"Great as always!!"

"Great conference. Kudos to COV"

"All the information was informative and engaging. It was helpful to hear how other ASAPs operate, a Judge's perspective, mental health and new policy."

REVIEWS

VASAP Court & DMV Training

"Found everything about this day super helpful! Wish we had more trainings like this more often. I have worked in the court system for a long time and learned things I didn't know! We need to have more of these!"

"The networking is HUGE for an event bringing DMV, VASAP and Courts together. Please do not wait a long time before you host this type of training again. It is very important we all work together."

"Overall, it was a great event and very informative!"

"The event was very well organized and informative overall. The speakers did a great job. Lunch was great and this survey is pretty cute too!"

"It was a great way to get everyone together on an issue that we all have a part of."

INSPIRE

Ignition Interlock and Remote Monitoring Summary Report

| ASAP Location | Interlock Current | Interlock Difference Prior Year | Remote Current | Remote Difference Prior Year |
|----------------------------------|-------------------|---------------------------------|----------------|------------------------------|
| July 2024 | | | | |
| Alexandria ASAP | 87 | -16 | 0 | 0 |
| Arlington ASAP | 268 | 35 | 0 | 0 |
| Bull Run ASAP | 910 | 130 | 0 | -1 |
| Capital Area ASAP | 348 | 23 | 0 | 0 |
| Central Virginia ASAP | 294 | 8 | 7 | 1 |
| Chesapeake Bay ASAP | 1,029 | 99 | 1 | -1 |
| Court Community Corrections ASAP | 348 | 24 | 2 | 1 |
| Dan River ASAP | 149 | -1 | 2 | 1 |
| District Nine ASAP | 262 | -26 | 1 | 1 |
| Fairfax ASAP | 674 | 42 | 0 | 0 |
| James River ASAP | 325 | 72 | 0 | -1 |
| John Tyler ASAP | 1,182 | 66 | 3 | -4 |
| Mount Rogers ASAP | 152 | 43 | 1 | -2 |
| New River Valley ASAP | 289 | 40 | 8 | 1 |
| Old Dominion ASAP | 542 | 101 | 1 | 1 |
| Peninsula ASAP | 658 | 79 | 10 | 2 |
| Piedmont ASAP | 0 | -121 | 0 | -2 |
| Rappahannock Area ASAP | 512 | 56 | 0 | 0 |
| Rockingham/Harrisonburg ASAP | 209 | 41 | 2 | 1 |
| Southeastern Virginia ASAP | 339 | -106 | 0 | 0 |
| Southside Virginia ASAP | 223 | 124 | 2 | -2 |
| Southwest Virginia ASAP | 74 | 2 | 0 | 0 |
| Tri River ASAP | 269 | 34 | 0 | -1 |
| Valley ASAP | 115 | -43 | 2 | 2 |
| Totals | 9,258 | 706 | 42 | -3 |

Date Printed: 9/5/2024

**The Commission on Virginia
Alcohol Safety Action Program**

**Remaining Quarterly
Meeting**

2024

Date:

- **December 6th**

Time: 10:00 a.m.

Location:

To Be Determined

For additional information contact the Commission on VASAP office at 804-786-5895.



VASAP
VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Your Doorway to Safe & Sober Driving