

VIRGINIA ASSOCIATION OF COMMONWEALTH'S ATTORNEYS DUI/DUID AREAS OF CONCERN

1. Marijuana impaired driving – establishing a per se level and safeguarding the ability to investigate those offenses.
2. Lack of adequate/appropriate resources for blood withdrawals – will be an increasing problem with the rise of marijuana-impaired drivers.
3. The need for Implied Consent testing of drivers involved in all crashes that result in a fatality or serious bodily injury.
4. The inability to use the statutory presumptions for private property DUI breath tests.
5. The inability to use a refusal as substantive evidence in our case in chief.
6. Procedural clean-up to refusal codes (the offense of refusal appears in the code in 3 different places – boating, driving, and commercial motor vehicles and the procedures need to be conformed); and to the statute regarding defense motions related to the arrest upon which a refusal was based.
7. Difficulty in using out-of-state priors.
8. More investment in training for judges, for local law enforcement agencies, and more training for Virginia State Police, especially regarding serious crash investigations.
9. The inability to use crash reconstruction evidence in court.
10. Admissibility of EDR data.
11. Criminally negligent vehicular maiming.
12. Other miscellaneous clean-up provisions.