

**MEMORANDUM**

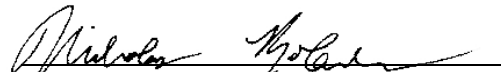
DATE: July 28, 2009  
TO: The Board of Supervisors  
FROM: Nicholas K. Bolash, Law Intern  
SUBJECT: Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Section 13-29, Recovery of Expenses for Emergency Response

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During the 2009 General Assembly, the Legislature approved an amendment to Title 15.2, Section 1716 of the Code of Virginia. The section pertains to County ordinances which allow under certain circumstances for localities to be reimbursed for responding to Driving Under the Influence (DUI) and other similar traffic violations. Currently, Section 13-29 of Chapter 13 of the Code of the County of James City (“County Code”) provides that a person convicted of violating these provisions shall be liable for restitution at the time of sentencing or in a separate civil action to the County or to any responding volunteer fire or rescue squad or both for reasonable expenses incurred.

The proposed amendments to the County Code would allow the County to recover expenses incurred by the police department or volunteer fire department in issuing a related arrest warrant or summons. The amendments also add involuntary manslaughter to the list of recoverable offenses and extend DUI offenses recoverable by the County to commercial vehicles by including Virginia Code Sections 18.2-36.1 and 46.2-341.24.

Staff recommends adoption of the attached resolution.

  
Nicholas K. Bolash

CONCUR:

  
Leo P. Rogers

NKB/nb  
EmerResExp\_mem

Attachment