

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number HB 2631

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron O'Brien

3. Committee Passed both houses.

4. Title Sexual relations with incarcerated youth.

5. Summary/Purpose:

Currently, it is Class 6 felony for any employee of a jail, the Department of Corrections, or a community-based probation or pretrial services program to have sexual relations with any prisoner, inmate, or probationer over whom he is in some position of authority. This proposal would expand the prohibition to "detainees" and to employees, facilities, and persons housed in facilities operated by the Department of Juvenile Justice (DJJ) or local detention homes, and to youths under the supervision of local court services units.

6. Fiscal Impact: See Item No. 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Persons convicted of a Class 6 felony are subject to a sentence of up to 12 months in jail or one to five years in prison.

Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$14.00 a day for each state responsible inmate held beyond 60 days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 1999.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be quantified. However, because another statute already prohibits employees of DJJ from having sexual relations with minors under their supervision who are 15 years old or older, the proposed bill, would, in effect, be expanding current law only to include persons 18-20 years old being housed in DJJ facilities.

9. Specific agency or political subdivisions affected:

Department of Juvenile Justice
Local and regional detention centers
Local jails

10. Technical amendment necessary: None.

11. Other comments: None.

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cc: Secretary of Public Safety

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