

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number **HB 1105**

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

2. Patron Moran

3. Committee Appropriations

4. Title Malicious injury of probation and parole officers

5. Summary/Purpose:

Current law provides enhanced penalties for causing bodily injury to law enforcement officers, firefighters, search and rescue workers, or emergency medical services personnel, while such persons are engaged in the performance of their duties. If the bodily injury is caused maliciously, the penalty is a sentence of 5 to 30 years, with a mandatory minimum sentence of two years. If the injury is not malicious, the offense is a Class 6 felony, with a mandatory minimum sentence of one year.

The proposed legislation would add adult and juvenile parole and probation officers to the list of persons covered by these provisions.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: Yes. New Item 402.10.

8. Fiscal implications:

Pursuant to § 30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$226,825 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 10 additional inmates being incarcerated in prison.

9. Specific agency or political subdivisions affected: Department of Corrections

10. Technical amendment necessary: None.

11. Other comments:

Among other provisions, § 18.2-55 of the Code of Virginia makes it a Class 5 felony for any prisoner, probationer, or parolee to inflict bodily injury on a probation and parole officer. The proposed legislation would not affect this statute, but would amend § 18.2-51.1. The amended section is broader in that it covers bodily injury inflicted by any person, not just

prisoners, probationers, or parolees. The amended section also provides for a mandatory minimum sentence, while § 18.2-55 does not have such a provision. To avoid confusion, if § 18.2-51.1 is amended as proposed, § 18.2-55 should be amended, as well, to reflect the changes to § 18.2-51.1.

Date: 02/11/04 / rwh

Document: G:\LEGIS\Fis-04\HB1105.DOC Dick Hall-Sizemore

cc: Secretary of Finance

Secretary of Public Safety