

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number **HB 1233**

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 Griffith

3. Committee Appropriations

4. Title Family abuse, sexual assault, protective orders

5. Summary/Purpose:

Under current law, violation of a protective order is a Class 1 misdemeanor. The proposed legislation would make the offense a Class 6 felony under the following circumstances:

- Conviction of a third or subsequent offense;
- Commission of an assault and battery upon the party protected by the protective order; or
- Violation of the protective order by furtively entering the home of the protected party.

The proposed legislation would also require several state agencies to develop policies and minimum training standards, as follows:

- Law enforcement—The Virginia Department of State Police and local law-enforcement departments are now required to establish arrest policies and procedures that provide guidance to law-enforcement officers. The proposed legislation would require that such policies and procedures include certain provisions relating to family abuse and domestic violence situations.
- Department of Social Services—The legislation would require the Child Protective Services Unit within the department to establish minimum training requirements for workers and supervisors on family abuse and domestic violence.
- Department of Criminal Justice Services (DCJS)—The legislation would require DCJS to establish training standards and publish a model policy for law-enforcement personnel in the handling of sexual assault and stalking cases and for local and regional sexual assault response teams. In addition, DCJS would be required to develop standards for education and treatment programs for persons accused of assault and battery against a family member, to approve such programs, and to provide the courts with a list of such programs.

Finally, the legislation has the following provisions:

- Temporary child support—Would allow a court to include in a protective order a provision for temporary child support to last for not longer than 90 days.

- Education and treatment—The law now authorizes a court to refer an offender convicted for the first time of assault against a family member to an education or treatment program. The proposed legislation would require that any such program be approved by the Department of Criminal Justice Services.

6. **Fiscal Impact:** Preliminary. 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 \$2,586,910 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 114 additional inmates being incarcerated in prison.

The proposed bill would impose some requirements on various state agencies. However, the agencies should be able to accomplish the bill's requirements with existing staff resources and, thus, those provisions would have no fiscal impact.

9. **Specific agency or political subdivisions affected:**

Department of Corrections
Department of Criminal Justice Services
Department of Social Services
Department of State Police
Local police departments

10. **Technical amendment necessary:**

The bill, on line 370, designates \$1,542,730 as the appropriation needed pursuant to § 30-19.1:4. However, in its impact statement, the Virginia Criminal Sentencing Commission set out \$2,586,910 as the necessary appropriation. The bill should be amended to comply with the Sentencing Commission's analysis.

11. **Other comments:** None.

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cc: Secretary of Finance

Secretary of Public Safety