

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number**    **HB 1233**

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input checked="" 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:

- 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, and for programs that address the intervention of abusive and violent behavior.

Finally, the legislation would allow a court to include in a protective order a provision for temporary child support to last until a formal support order has been entered.

**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 \$32,589 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in one additional inmate 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:** None.

**11. Other comments:** None.

**Date:** 01/18/04 / rwh

**Document:** G:\LEGIS\Fis-04\Hb1233.Doc Dick Hall-Sizemore

**cc:** Secretary of Finance

Secretary of Public Safety