

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB 656

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Bell

3. Committee Passed both houses

4. Title Assault and battery against family members

5. Summary/Purpose:

Under current law, assault and battery against a family or household member is a Class 1 misdemeanor. If the offender has two previous convictions of assault and battery against a family or household member within the previous ten years, the offense is a Class 6 felony. The proposed legislation would increase the “look-back” period to 20 years, with the result that the Class 6 felony would be applicable to offenders convicted twice in the previous 20 years.

6. Fiscal Impact Estimates are: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The proposed legislation may increase the number of offenders housed in state correctional facilities. However, there is insufficient data available to project the impact, if any, of the legislation. The previous convictions needed to increase the assault and battery conviction of an offender under the legislation (and current law) to a Class 6 felony are misdemeanors and statewide data on misdemeanants has only been available since January 1, 2000. Therefore, the Virginia Criminal Sentencing Commission was unable to determine the impact on prison beds of the legislation.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: HB 863, also enrolled, would expand the types of prior offenses that would act to increase the assault and battery against a family or household member to a Class

6 felony. In combination, these two bills could have a bigger impact on correctional bed space than they would if viewed separately.

Date: 03/25/04 / rwh

Document: G:\LEGIS\Fis-04\HB656ER.Doc Dick Hall-Sizemore

cc: Secretary of Finance
Secretary of Public Safety