

Department of Planning and Budget
2004 Fiscal Impact Statement

1. Bill Number HB 871

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Byron

3. Committee Passed Both Houses

4. Title Infected sexual battery

5. Summary/Purpose:

Under current law, it is a Class 6 felony for anyone who knows he is infected with HIV, syphilis, or hepatitis B to have sexual relations with another person with the intent to transmit the infection to the other person. The proposed legislation would make it a Class 1 misdemeanor for anyone infected with HIV, syphilis, or hepatitis B to have sexual relations with another person without having previously disclosed the existence of his infection to that person.

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

7. Budget amendment necessary: None.

8. Fiscal implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. According to the Virginia Criminal Sentencing Commission, this legislation may result in additional persons being sentenced to jail, although not enough information is available to reliably estimate how many. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (FY 2002), the estimated total state support for local jails averaged \$29.80 per inmate, per day in FY 2002.

9. Specific agency or political subdivisions affected: Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/22/04 / rwh

Document: G:\LEGIS\Fis-04\HB871ER.Doc Dick Hall-Sizemore
cc: Secretary of Finance