

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** HB 993

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

**2. Patron** Hugo

**3. Committee** Passed both houses

**4. Title** Racing an automobile

**5. Summary/Purpose:**

The proposed legislation would make it a Class 6 felony to race an automobile in a manner that showed a reckless disregard for human life and which caused serious bodily injury to another person who was not involved in the racing activity. In addition, the legislation would require seizure and forfeiture of an offender's vehicle and surrender of the offender's driver's license for one to three years.

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

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

The Virginia Criminal Sentencing Commission has concluded that there is not enough information available to reliably estimate how many additional inmates in jail or prison could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, 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:**

Department of Corrections

Local and regional jails

**10. Technical amendment necessary:**

The legislation, as originally introduced, would have classified a death caused by automobile racing as involuntary manslaughter. The bill was amended to remove the provisions relating to involuntary manslaughter. However, the title of the bill was not amended to remove the reference to involuntary manslaughter. Accordingly, the title should be amended to reflect the provisions of the bill more accurately.

**11. Other comments:** None.

**Date:** 03/28/04 / rwh

**Document:** G:\LEGIS\Fis-04\HB993ER.Doc Dick Hall-Sizemore

cc: Secretary of Finance