

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** SB 236

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

**2. Patron** Norment

**3. Committee** Passed both houses

**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.
- Office of the Executive Secretary of the Supreme Court—The legislation would require this agency to develop standards for education and treatment programs for persons accused of assault and battery against a family member and to arrange for such programs to be approved by an appropriate entity.

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:** Final. See Item 8.

**Expenditure Impact:**

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2004-05            | \$32,589       | General     |

7. **Budget amendment necessary:** Yes. New Item 420.10.

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 would result in one additional inmate being incarcerated in prison. The House of Delegates included this funding in its budget amendments, but the Senate did not. Due to limitations in the data available, the Sentencing Commission has pointed out that the projected impact may be underestimated.

The proposed bill would impose additional requirements on various state agencies. In order to implement the requirement that it develop model policies and training standards for law enforcement in handling domestic violence, sexual assault, and stalking cases, DCJS has indicated that it would need an additional staff person with additional financial support to deliver the training related to the provisions of the bill. However, DCJS has produced and maintains training standards and a model policy manual for law enforcement agencies that are nationally recognized for their quality and thoroughness. Included in this manual and the standards are model policies for domestic violence, sexual assault, and family abuse. The agency should be able to modify its standards and manual, to include any new provisions required by the proposed legislation that are not already covered, with its existing staff and resources. Likewise, the other agencies affected by this bill 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  
Office of the Executive Secretary of the Supreme Court  
Local and regional law enforcement training academies  
Local police departments

10. **Technical amendment necessary:** None.

11. **Other comments:** Identical to HB 1233.

**Date:** 03/31/04 / rwh

**Document:** G:\LEGIS\Fis-04\SB236ER.Doc Dick Hall-Sizemore

cc: Secretary of Finance

Secretary of Public Safety