

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB 677

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 Rerras

3. Committee Passed both houses

4. Title Assault and battery of volunteer firefighters

5. Summary/Purpose:

Under current law, assault and battery is a Class 1 misdemeanor. The penalty is enhanced to a Class 6 felony, with a six-month mandatory minimum sentence, if the offense is committed against one of several specified public safety personnel engaged in his or her public duties. Among the types of public safety personnel specified are volunteer firefighters or emergency medical squad members who have been recognized by a resolution of the local governing body as employees. The proposed legislation would add volunteer firefighters and emergency medical services squad members who are members of bona fide volunteer firefighting or emergency medical squads, regardless of whether the local governing body has recognized them as employees.

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

7. Budget amendment necessary: None.

8. Fiscal implications:

Each year since the enactment of the enhanced penalty for assault and battery on a public safety employee, there has been an increase in the number of people convicted under that provision. In addition, the median sentence imposed has increased from the first year of the law's implementation. In light of this trend, the proposed legislation expanding the coverage of the statute may result in an increase in the number of persons housed in local jails or state correctional facilities. However, the Virginia Criminal Sentencing Commission has concluded that the databases available are not sufficient to enable it to project the additional number of convictions that may accrue under the proposed legislation and, thus, it cannot determine its impact.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/28/04 / rwh

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cc: Secretary of Finance