

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB 1877

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron McDougle

3. Committee House Courts of Justice

4. Title Graffiti offenses

5. Summary/Purpose:

Under current law, any locality may enact an ordinance making the willful and malicious damaging or defacement of public or private buildings or facilities a Class 1 misdemeanor, if the damage to the private property is less than \$1,000. The proposed legislation would remove any damage value criteria and require a mandatory minimum jail term of ten days if the defacement (i) were more than 20 feet off the ground or on a railroad or highway overpass, or (ii) measured six feet or more in height or width.

Another section of the bill deals with the state prohibition on damaging or defacing public or private property. Under current law, if the injury to the property is intentional, the offense is a Class 1 misdemeanor if the value of the damage is less than \$1,000 and a Class 6 felony if the value of the injury is \$1,000 or more. The proposed legislation would also make the offense a Class 6 felony if defacement is more than 20 feet above the ground, the height or width of the defacement measures more than six feet, or the offender had been previously convicted of defacement or damaging property. It would also impose a mandatory minimum sentence of 10 days in jail for a conviction of a felony.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: No.

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. However, due to the provision for mandatory minimum sentences of ten days in jail, the greatest impact of the legislation is likely to be on jails.

There is not enough information available to reliably estimate how many additional inmates in jail 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 misdemeanant or otherwise local responsible prisoner held in a jail. 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's most recent Jail Cost Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 01/18/05 / rwh

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