

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB1150

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

2. Patron Stolle

3. Committee Agriculture, Chesapeake and Natural Resources

4. Title Reporting of hunting accident; penalty.

5. Summary/Purpose:

Requires a hunter to render assistance to persons affected by a hunting incident in which a hunter severely injures himself or another and causes significant physical impairment or death. A person who knowingly and willfully fails to render such assistance is guilty of a Class 1 misdemeanor and a Class 6 felony if the hunting incident results in severe injury, significant physical impairment or the death of, a person. The penalty for not immediately reporting (and for failing to file a full report within five days) such an occurrence to the Department of Game and Inland Fisheries is a Class 4 misdemeanor.

6. Fiscal Impact Estimates are: Preliminary. See item 8, below.

7. Budget amendment necessary: No.

8. Fiscal implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500. According to the Virginia Criminal Sentencing Commission, not enough information is 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 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 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

A Class 6 felony is punishable by a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. 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.

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 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'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. However, it is expected that the impact will be negligible.

A Class 4 misdemeanor is punishable with a fine of up to \$250.

Such fines are deposited to the Literary Fund. Any revenue impact cannot be determined and is dependent on the number of convictions.

9. Specific agency or political subdivisions affected: Department of Game and Inland Fisheries, court system, Department of Corrections, Department of Juvenile Justice, and local jails.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 02/14/05/tmw

Document: G:\2005 Session\Legislation\Sb1150H1.Doc

cc: Secretary of Public Safety
Secretary of Natural Resources
Secretary of Administration