

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number HB1338

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 Bell

3. Committee Passed both houses

4. Title Definition of sexual battery

5. Summary/Purpose:

Under current law, sexual abuse of someone through the use of that person's mental incapacity or physical helplessness is defined both as aggravated sexual battery, punishable by a sentence of 1 to 20 years in prison, and as sexual battery, a Class 1 misdemeanor.

The proposed legislation would eliminate the sexual abuse of someone through the use of that person's mental incapacity or physical helplessness from the list of acts constituting sexual battery.

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

7. Budget amendment necessary: None.

8. Fiscal implications:

The proposed legislation clears up a potentially confusing issue in the Code—the same act being classified as different offenses. Although the legislation would have the effect of eliminating the option of the Commonwealth's attorney to prosecute the offense under the misdemeanor statute, there is not sufficient data available to determine if it would result in a significant impact by causing more offenders to be housed in prison.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None

Date: 03/23/06 / rwh

Document: G:\LEGIS\Fis-06\HB1338.DOC Dick Hall-Sizemore