

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number SB 1025

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron O'Brien

3. Committee Passed both houses

4. Title Crimes against incapacitated adults

5. Summary/Purpose:

Under current law, abuse or neglect of an incapacitated adult is a Class 1 misdemeanor; a second or subsequent offense would be a Class 6 felony. If the abuse or neglect resulted in serious bodily injury or disease to the incapacitated adult, the offense would be a Class 4 felony.

The proposed legislation would expand the offense to a Class 3 felony if the abuse or neglect resulted in the death of the incapacitated adult.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

For someone convicted of a Class 3 felony, a judge has the option of sentencing him to 5 to 20 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to prison.

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

10. Technical amendment necessary: None.

11. Other comments: The enrolled bill is identical to HB 2459, also enrolled.

Date: 03/03/2007 / rwh

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