

Department of Planning and Budget
2007 Fiscal Impact Statement

1. **Bill Number** SB1038

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron** O'Brien

3. **Committee** Education and Health

4. **Title** Data on convictions of certain crimes; public school contract employees.

5. **Summary/Purpose:** Requires school boards to obtain certification, from a contractor or employee of a contractor, that all employees who will have direct unsupervised contact with students (i) have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) have not been convicted of a misdemeanor involving actual or threatened harm to any person or property, or of any offense listed in subsection G of §16.1-260, prior to awarding a contract for services requiring direct unsupervised contact with students. The bill also provides that the requirement be waived in emergency situations where it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

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

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** Currently, any contractor or relevant employee that will have direct contact with students is required to provide certification that (i) he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a crime of moral turpitude.

This legislation would modify the requirement for certification by making it applicable only to those employees that will have direct *unsupervised* contact with students. This may reduce the number of employees that must provide the necessary certification; however, it is not anticipated that this change will have any fiscal impact to the Commonwealth.

In addition, this legislation clarifies the meaning of a "crime of moral turpitude" by striking that language and replacing it with a "misdemeanor involving actual or threatened harm to any person or property, or of any offense listed in subdivisions G 1 through G 13 or § 16.1-260." Currently, any person that makes a false statement regarding any such offense is guilty of a Class 1 misdemeanor. There is not enough information available to reliably estimate whether this change will have a positive or negative impact on the number of contractors or employees that may be convicted under such provisions. However, 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 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

9. Specific agency or political subdivisions affected: Board of Education, local school divisions.

10. Technical amendment necessary: No.

11. Other comments: This bill is similar to HB 1707.

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