

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number **HB 113**

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron Ware, R. L.

3. Committee Appropriations

4. Title **Failure to stop**

5. Summary/Purpose:

Under current law, willfully and wantonly disregarding a signal from a law-enforcement officer to bring a vehicle to a stop or attempting to escape or elude the law-enforcement officer is a Class 3 misdemeanor. The proposed legislation would increase the penalty for this offense to a Class 1 misdemeanor.

If the person disregarding the signal to stop instead drives his vehicle in such a way to interfere with or endanger the operation of the law-enforcement vehicle or endanger a person, the offense is a Class 6 felony. The proposed legislation would increase the penalty for this offense to a Class 4 felony if a law-enforcement officer is killed or suffers serious injury that results in permanent and significant physical impairment while in pursuit of the person disregarding the signal to stop.

6. Fiscal Impact: Preliminary. See Item 8.

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. For someone convicted of a Class 4 felony, the sentence can range from 2-10 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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

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: No.

11. Other comments: None.

Date: {2/5/2008} rwh

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