

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number HB 1179

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Lingamfelter

3. Committee Passed both houses

4. Title **Presumptive denial of bail**

5. Summary/Purpose:

Under current law, for persons charged with specified crimes, a magistrate shall presume that they are unlikely to appear for trial or they pose a threat to public safety and, thus, deny bail to such persons. This presumption is rebuttal before a judge. The proposed legislation would expand the list of offenses for which bail would be presumptively denied to include assault and battery against a family member in which the accused had been previously convicted of two or more offenses of assault and battery against a family member or of malicious wounding.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The proposed legislation could result in an increase in the number of accused offenders who could be held in jail longer pending a bail hearing or trial. To assist localities with the costs of operating jails, the state, through the Compensation Board, reimburses them \$8.00 per day for each prisoner held in jail pending trial. Therefore, to the extent that more accused persons are held in jail as a result of the legislation, the per diem payments by the state to the localities would be higher. However, there is insufficient information available to project the potential increase in the per diem payments.

On the other hand, the proposed legislation could result in a decrease in the need for state prison beds. This decrease would occur because persons convicted of crimes receive credit toward their sentences for time spent in jail prior to trial. Thus, to the extent that the accused offenders covered by the proposed legislation spend more time in jail before their trials, they would spend less time in prison following their convictions. The Department of Corrections could, as a result of the additional bed space freed up, transfer state responsible inmates being housed in jails to state facilities quicker. Consequently, the per diems paid to the localities for housing the state responsible inmates could be less, offsetting to some degree the higher

per diems paid for accused persons awaiting trial. There is not enough information available to project the ultimate potential fiscal impact of this legislation.

9. Specific agency or political subdivisions affected:

Department of Corrections

Compensation Board

Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

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