

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: HB321

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Saxman

3. Committee: Courts of Justice

4. Title: **Assault or an assault and battery upon any juvenile correctional officer.**

5. Summary: Provides that an assault or an assault and battery upon any juvenile correctional officer or other person directly involved in the care, treatment, or supervision of juveniles who are in a juvenile correctional facility, in a secure juvenile detention facility, or in a secure facility operated by or under contract with the Department of Juvenile Justice is a Class 6 felony (up to 12 months in jail or one to five years in prison). This bill expands the class of individuals for whom, if they are victims of an assault, there is a greater penalty for the crime.

6. Fiscal Impact Estimates: PRELIMINARY.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increase in the jail population. 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. 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 FY2006 Jail Cost Report (November 1, 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

According to the Virginia Criminal Sentencing Commission, the estimated amount of necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities resulting from this legislation and also cannot be determined for periods of confinement to the custody of the Department of Juvenile Justice.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, law enforcement agencies statewide, State Compensation Board, Department of Corrections.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/17/2008 dpb/jgc

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cc: Secretary of Administration
Secretary of Public Safety