

# Department of Planning and Budget

## 2008 Fiscal Impact Statement

**1. Bill Number** SB 368

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

**2. Patron** Watkins

**3. Committee** Passed both houses

**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 2 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 while in pursuit of the person disregarding the signal to stop.

**6. Fiscal Impact:** Final. See Item 8.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2009	\$16,887	General
2010	\$0	
2011	\$0	
2012	\$0	
2013	\$0	
2014	\$0	

**7. Budget amendment necessary:** Yes. Item 391.

**8. Fiscal implications:**

Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six 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.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$16,887 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in one additional inmate being incarcerated in prison.

Neither the House of Delegates nor the Senate included an appropriation for this fiscal impact in their respective budget amendments. It is not known whether the amendments recommended by the budget conference committee include an appropriation for this impact.

**9. Specific agency or political subdivisions affected:**

Department of Corrections  
Local and regional jails

**10. Technical amendment necessary:** No.

**11. Other comments:** Identical to HB 113, which has also passed both houses.

**Date:** {4/3/2008} rwh

**Document:** {G:\LEGIS\fis-08\sb368ER.doc}