

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB598

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

2. Patron: Norment

3. Committee: Courts of Justice

4. Title: **Assault and battery; ABC agent, penalty.**

5. Summary: Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on a special agent engaged in the performance of his public duties is elevated from a Class 1 misdemeanor (maximum of 12 months in jail and/or up to a \$2,500 fine) to a Class 6 felony (maximum of one to five years in jail and/or up to a \$2,500 fine) with a six-month mandatory minimum term of confinement.

6. Fiscal Impact Estimates: Preliminary. See item 8.

7. Budget Amendment Necessary: No. Item 391 of the introduced budget bill includes the appropriation required by §30-19.1:4 of the Code of Virginia for this bill.

8. Fiscal Implications: For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$54,101 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 2 additional inmates being incarcerated in prison.

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 Sentencing Commission has projected that the proposed legislation will result in the increase of one additional prisoner in local jails per year, at a cost to the state of \$7,835 per year.

9. Specific Agency or Political Subdivisions Affected: The Department of Alcoholic Beverage Control and the Department of Corrections, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to HB966 and SB522.

Date: 1/18/2008 ltc

Document: G:\FIS\2008\ABC\SB598.doc

cc: Secretary of Public Safety