

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB1815

House of Origin	<u>X</u>	Introduced	<u>  </u>	Substitute	<u>  </u>	Engrossed
Second House	<u>  </u>	In Committee	<u>  </u>	Substitute	<u>  </u>	Enrolled

**2. Patron:** Morrissey

**3. Committee:** Courts of Justice

**4. Title:** **Questioning employees about criminal convictions; prohibits employer from asking about certain.**

**5. Summary:** Prohibits an employer from asking an existing or prospective employee about the individual's record of arrests or convictions, unless the question refers to an arrest or conviction that occurred within the preceding 8 years or was for a violent felony. An employer may not take negative employment actions against an individual based on a response to a prohibited question. A violation is a Class 1 misdemeanor.

**6. Fiscal Impact Estimates:** Not Available

**7. Budget Amendment Necessary:**

**8. Fiscal Implications:** This bill will impact the court system in that it creates a new Class 1 misdemeanor which will result in additional court proceedings. It is difficult to estimate how many new cases would result. However, there is no specific basis to project a significant impact on courts' dockets.

This bill could also potentially impact amounts paid by the state for jail costs. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant 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 Jail Cost Report (November 2008), the estimated total state support for local jails averaged \$28.77 per inmate, per day in FY 2007.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Compensation Board.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** No

**Date:** 1/16/2009 JDH

**Document:** G:\EFIS\2009\HB1815-EmployeesCriminalConvictions-Other\HB1815.DOC

cc: Secretary of Administration