

# Department of Planning and Budget

## 2009 Fiscal Impact Statement

**1. Bill Number** HB 1842

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

**2. Patron** Griffith

**3. Committee** Passed both houses

**4. Title** Emergency protective orders

**5. Summary/Purpose:**

Under current law, a court may issue protective orders under several specified circumstances. The proposed legislation would expand the list of permitted circumstances to include sexual battery and aggravated sexual battery. A violation of a protective order in these cases would be a Class 1 misdemeanor.

**6. Fiscal Impact estimate:** Indeterminate. Final.

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Because the proposed legislation expands the circumstances in which protective orders can be issued, more people could be subject to such orders, thereby increasing the number of people who would potentially violate protective orders and receive jail sentences.

Not enough information is 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 the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. 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:**

Local and regional jails

**10. Technical amendment necessary:** None.

**11. Other comments:** None.

**Date:** {3/4/2009} rwh

**Document:** G:\LEGIS\Fis-09\Hb1842er.DOC Dick Hall-Sizemore