

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 1033

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

2. Patron: Byron

3. Committee: Senate Courts of Justice

4. Title: Infanticide

5. Summary:

The proposed legislation provides that, for the purposes of the criminal homicide statutes, a human infant who has been born alive and is fully brought forth from the body of the mother has achieved an independent and separate existence from the mother, regardless of whether the umbilical cord has been cut or the placenta detached.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$50,000	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

7. Budget Amendment Necessary: Yes. Item 380. *The House budget bill does not include an appropriation for this bill as required by Sec. 30-19.1:4 of the Code of Virginia.*

8. Fiscal Implications:

Because the proposed legislation would make a woman who kills her new-born baby before the umbilical cord and placenta have been detached subject to homicide charges and it is generally believed that the current state of Virginia law does not do this, the proposed legislation could result in additional persons being housed in Virginia prisons.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on

state-responsible (prison) bed space cannot be determined. In such cases, Chapter 781 of the 2009 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to SB 602.

Date: 3/3/2010 dpb