

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 113

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

2. Patron: Dance

3. Committee: House Courts of Justice

4. Title: Assault and battery of a fire marshal

5. Summary:

Under current law, assault and battery is a Class 1 misdemeanor. However, if the offense is committed against any of several specified public safety officials while engaged in the performance of their duties, it is a Class 6 felony, with a mandatory minimum sentence of six months. The proposed legislation would add fire marshals to the list of public safety officials covered under the provision.

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

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2011 | \$14,845 | General |
| 2012 | \$0 | |
| 2013 | \$0 | |
| 2014 | \$0 | |
| 2015 | \$0 | |
| 2016 | \$0 | |

7. Budget Amendment Necessary: Yes. Item 380.

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 prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$14,845 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in a need for less than one additional prison bed.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/2010 dpb

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