



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1716 (Patron – Scott, J.M.)

LD#: 11102360

Date: 1/11/2011

Topic: Protective orders prohibiting damage to property or animal

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000*
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 874 of the 2010 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, and 19.2-152.10 relating to protective orders.

The proposal adds the prohibition of personal property damage and harming a companion animal (as defined in § 3.2-6500) to the list of conditions to which a respondent may be subjected when a magistrate or judge issues a protective order, including preliminary and emergency protective orders, as listed in the above statutes.

Analysis:

The Local Inmate Data System (LIDS) captures information on persons held in Virginia's local and regional jails. According to fiscal year (FY) 2009 and FY2010 LIDS data, 1,507 offenders were convicted of a Class 1 misdemeanor for a first violation of a protective order under § 16.1-253.2. For these offenders, violation of the protective order was the primary (or most serious) offense. The majority of these offenders (97%) received a local-responsible (jail) term, for which the median sentence was approximately one month.

During the same time period, 54 offenders were convicted of a Class 1 misdemeanor for a second violation of a protective order involving violence within five years (as the primary offense) under § 16.1-253.2. The majority of these offenders (94%) received a local-responsible (jail) term with a median sentence of 2.0 months.

Also from the same two years of data, there were 23 offenders convicted of a third or subsequent felony violation of a protective order involving violence within 20 years (as the primary offense) under § 16.1-253.2. The majority of these offenders (87%) received a local-responsible (jail) term with a median sentence of 9.5 months.

Impact of Proposed Legislation:

State adult correctional facilities. By adding conditions to the list that a respondent must abide by when subject to a protective order, it is possible that state-responsible (prison) bed space needs will increase. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. The magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal could result in felony and misdemeanor convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for state and local adult community corrections services. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Currently, violations of protective orders under § 16.1-253.2 are not covered by the guidelines when one of these crimes is the primary (most serious) offense. However, convictions under this statute may augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal will not increase juvenile correctional center (JCC) bed space needs.

Juvenile detention facilities. According to the Department of Juvenile Justice (DJJ), the proposal will not increase bed space needs in juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 874 of the 2010 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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