

**Department of Planning and Budget  
2011 Fiscal Impact Statement**

1. **Bill Number:** SB877

**House of Origin**     Introduced     Substitute     Engrossed

**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Reynolds

3. **Committee:** Courts of Justice

4. **Title:** Definition of family or household member; penalty.

5. **Summary:** Redefines the definition of 'family or household member' to include (1) a person's in-laws regardless of whether the in-laws reside in the same house as the person and (2) any individual who is or was involved in a continuing relationship of a romantic or intimate nature with the person. Expanding the definition of 'family or household member' implicates crimes for which a family or household member is a victim (e.g., assault and battery against a family member) and protective orders under which a person may be protected (e.g., protective orders in cases of family abuse).

6. **Budget Amendment Necessary:** Yes. Items 380 and 398.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** According to the Virginia Criminal Sentencing Commission, the impact of the proposed legislation on state and local adult beds, and juvenile correctional center beds, cannot be determined. Due to this, Chapter 874 of the 2010 Acts of Assembly required the Commission to identify a minimum fiscal impact of \$50,000, which would need to be appropriated to the Department of Corrections (Item 380).

However, the Department of Juvenile Justice claims a fiscal impact due to the potential increase in the requests for the issuance of protective orders. The agency states that since this proposal adds dating to the definition of family member, additional protective orders could be issued. Because requests for protective orders are processed by juvenile intake officers, the agency believes the workload could increase by 2,492 protective orders, requiring an estimated \$77,765 per year. According to the agency:

The Department of Criminal Justice Services reports that in calendar year 2009, the number of victims of assault (adults and juveniles) who reported that they were in a dating relationship with the assailant numbered 19,430 - down by 120 victims from the previous calendar year. That number includes sexual assault offenses (forcible rape,

forcible sodomy, sexual assault with an object, forcible fondling) and assault offenses (aggravated assault, simple assault, intimidation) where the victim-offender relationship was reported as boyfriend and girlfriend or a homosexual relationship. These incident counts are from the Virginia State Police's Incident-Based Crime Reporting Repository (IBR) system electronic data files. In cases involving victims of assault who reported they were in a dating relationship with the assailant, 9,967 resulted in an arrest in calendar year 2009; an increase of 89 arrests from the previous calendar year.

Arguably, the 19,430 persons who reported being a victim of assault could request a protective order under the language of the proposed bill. Using the 9,967 arrests of a person who commits an assault of an individual with whom they are in a dating relationship is a very conservative estimate based upon actual arrest data. Based upon a workload analysis by the National Council on Crime and Delinquency, to process all 9,967 victims as intakes for protective orders would require an additional 5.9 juvenile intake officers at a cost of \$311,027. Because it is impossible to know how many of these cases would result in the filing of a petition for a protective order, the department believes the 25 percent fiscal impact level of \$77,765 is most realistic.

- If 75% of the victims request a protective order, then the cost would be \$233,262.
- If 50% of the victims request a protective order, then the cost would be \$155,529.
- *If 25% of the victims request a protective order, then the cost would be \$77,765.*
- If 10% of the victims request a protective order, then the cost would be \$31,112.
- If 5% of the victims request a protective order, then the cost would be \$15,540.
- If 1% of the victims request a protective order, then the cost would be \$3,120.

**9. Specific Agency or Political Subdivisions Affected:** Departments of Juvenile Justice and Corrections

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This is a revised impact statement based on the Department of Juvenile Justice's updated assessment of the fiscal impact on the agency.

**Date:** January 19, 2011

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