

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: HB 363**

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

**2. Patron: McClellan**

**3. Committee: Appropriations**

**4. Title: Protective orders**

**5. Summary:**

Under current law, violation of a protective order is generally a Class 1 misdemeanor. Under some circumstances, the offense is a Class 6 felony.

The proposed legislation expands the conditions for which a protective order may be issued to include the granting of possession of any companion animal owned, possessed, or kept by the person on whose behalf the order is issued, by the respondent, or by a child residing in the household.

**6. Budget Amendment Necessary: Yes. Item 389.**

**7. Fiscal Impact Estimates: Preliminary.**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	General
2015	\$0	General
2016	\$0	General
2017	\$0	General
2018	\$0	General

**8. Fiscal Implications:**

Because the list of conditions of a protective order that a respondent may be subjected to would be expanded by the proposed legislation, there would be a greater potential that the

protective order would be violated. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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, the proposed legislation could result in additional persons being housed in jails or prison.

There is not enough information 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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2011), the estimated total state support for local jails averaged \$29.98 per inmate, per day in FY 2010.

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 890 of the 2011 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  
Compensation Board  
Local and regional jails

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None,

**Date:** 2/6/2012

**Document:** G:\LEGIS\fis-12\hb363h1.doc Dick Hall-Sizemore