

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: HB 87**

|                 |                                     |              |                          |            |                          |           |
|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input type="checkbox"/>            | Introduced   | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House    | <input checked="" type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled  |

**2. Patron: Knight**

**3. Committee: Senate Transportation**

**4. Title: Aiming laser at aircraft**

**5. Summary:**

Under current law, it is a Class 1 misdemeanor to interfere, or to threaten to interfere, with the operation of any aircraft. If the action endangers the life of the person operating the aircraft or any other person, the offense would be a Class 6 felony.

The proposed legislation would rewrite the provision with the result that it would be a Class 1 misdemeanor to interfere, or threaten to interfere, with the operation of an aircraft if the action endangers the life of the aircraft person or any other person. The legislation would also expressly provide that knowingly and intentionally projecting a laser at an aircraft would be included in the actions prohibited.

**6. Budget Amendment Necessary: No.**

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

**8. Fiscal Implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. By expanding the provisions of the statute by explicitly prohibiting pointing a laser at an aircraft, the proposed legislation could result in additional persons receiving a jail sentence.

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 misdemeanant 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.

A sentencing option for a Class 6 felony conviction is up to five years in prison. Because the proposed legislation eliminates the Class 6 felony provision in the current statute, it could result in fewer persons being sentenced to prison. However, it is not expected that there will be resultant savings, because in recent years, there have been no convictions under the Class 6 felony provision in the statute.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails.

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

**11. Other Comments:** None.

**Date:** 2/24/2012

**Document:** G:\LEGIS\fis-12\hb87h1.doc Dick Hall-Sizemore