

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB 459

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

2. Patron: Herring

3. Committee: Passed both houses

4. Title: Strangulation

5. Summary:

Under current law, assault and battery generally is a Class 1 misdemeanor. The proposed legislation would make strangulation a Class 6 felony.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: Final.

Expenditure Impact:

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

8. Fiscal Implications:

The maximum allowed sentence for a Class 1 misdemeanor is up to 12 months in jail. A person convicted of a Class 6 felony is subject to a sentence of up to 12 months in jail or one to five years in prison. By imposing a higher penalty for strangulation, the proposed legislation could result in additional persons being housed in prison.

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.

The Governor's introduced budget for the 2012-2014 biennium (House Bill 30) included \$50,000 the first year from the general fund for the fiscal impact of this bill. The budget as originally approved by the House maintained this funding, as did the budget recommendations made by the Senate Finance Committee. The newly introduced House Bill 1301, as passed by the House, includes the funding originally requested by the Governor for the fiscal impact of the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 752.

Date: 3/8/2012

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