

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: SB 459**

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

**2. Patron: Herring**

**3. Committee: Senate Finance**

**4. Title: Assault and battery of a family member**

**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:** No. The introduced budget bill includes an appropriation for the fiscal impact of legislation similar to this one.

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

**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.

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

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

**11. Other Comments:** Similar to HB 752

**Date:** 2/2/2012

**Document:** G:\LEGIS\fis-12\sb459s1.doc Dick Hall-Sizemore