

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB224-S2

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

2. Patron: Herring

3. Committee: Courts of Justice

4. Title: Assault and battery of a family or household member; penalties.

5. Summary: Provides for a Class 1 misdemeanor for the battery through the application of physical force against a member of a family or household member. The bill also expands the list of offenses that could be counted in determining prior convictions, which enhances the conviction to a Class 6 felony (if convicted of a third offense). The bill addresses the decision in *U.S. v. White* from the Fourth Circuit Court of Appeals in 2010.

6. Budget Amendment Necessary: Yes. Item 389.

7. Fiscal Impact Estimates: Preliminary; See item 8 below.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2013	\$50,000	0	General Fund

8. Fiscal Implications: For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or 1 to 5 years in prison. However, according to the Virginia Criminal Sentencing Commission, the impact of the proposed legislation on state and local adult beds, adult community correction resources, and juvenile correctional and detention facilities cannot be determined. As such, Item 49 of Chapter 890, 2011 Acts of Assembly, requires the Commission to identify a minimum fiscal impact of \$50,000, which would need to be appropriated to the Department of Corrections.

Although insufficient data exists to determine the fiscal impact due to this proposal, the legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). 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 FY2010 Jail Cost Report (November 1, 2011), the estimated total state support for local and regional jails averaged \$29.98 per state inmate, per day in FY 2010.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 9, 2012

Document: G:\JGC\2012\EFIS\CB\SB224S2.DOC