

Department of Planning and Budget 2014 Fiscal Impact Statement

1. **Bill Number:** HB567-S1

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

2. **Patron:** Watts

3. **Committee:** Appropriations

4. **Title:** Assault by touching a person's intimate parts; penalty.

5. **Summary:** The substitute expands the definition of sexual battery to include instances in which an individual sexually abuses another against their will more than once in a two-year period. Under section 18.2-67.5:1 the proposal increases the penalty for misdemeanor attempted sexual battery, sexual battery, consensual intercourse with a child, indecent exposure, or peeping from a Class 1 misdemeanor to a Class 6 felony if it is alleged in the indictment that the offender has previously been convicted of two or more of the listed offenses within ten years of the current offense.

6. **Budget Amendment Necessary:** Yes. Item 385.

7. **Fiscal Impact Estimates:**

7a. **Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014			
2015	\$50,000	0	0100
2016			
2017			
2018			
2019			
2020			

8. **Fiscal Implications:** According to the Virginia Criminal Sentencing Commission, the proposal could increase the state-responsible (prison) bed space needs, increase local-responsible (jail) bed space needs, and increase the need for state and local community corrections resources. However, in each instance the Commission also noted that the impact of the proposal could not be determined. Also, per the Commission the impact on commitments to juvenile correctional centers and detention facilities cannot be determined.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 1 to 5 years in prison. Therefore, since this proposal expands the current legislation relating to the sexual battery, this proposal could result in an increase in the number of persons being

sentenced to jail 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 and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

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 806, of the 2013 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, State Compensation Board, and Department of Corrections.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: February 25, 2014

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