

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number: SB 476**

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

**2. Patron: Norment**

**3. Committee: Passed both houses**

**4. Title: Incest**

**5. Summary:**

The proposed legislation would expand the applicability of the prohibition against incest to include step-parents, step-grandparents, step-children, and step-grandchildren.

Incest is a Class 5 felony, except, if the child or grandchild is at least 13 years old but less than 18 years old, the offense is a Class 3 felony.

**6. Budget Amendment Necessary:** Yes. Item 385. The Senate included funding for the fiscal impact of this legislation in its amendments to the budget bill.

**7. Fiscal Impact Estimates:** Final. See Item 8 below.

**Expenditure Impact:**

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

**8. Fiscal Implications:**

For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. For a Class 3 felony, the offender is subject to a sentence of 5 to 20 years in prison. Therefore, this proposal could result in an increase in the number of persons 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:**

Department of Corrections  
Local and regional jails.

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

**11. Other Comments:** None.

**Date:** 3/7/2014

**Document:** G:\LEGIS\fis-14\sb476er.docx Dick Hall-Sizemore