

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number: HB 1493**

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

**2. Patron: Miller**

**3. Committee: Appropriations**

**4. Title:** Enticing another into a dwelling with intent to commit felony

**5. Summary:**

The proposed legislation would make committing certain violent offenses, including murder, rape, robbery, aggravated malicious wounding, and forcible sodomy with a dwelling after enticing, soliciting, requesting, or otherwise causing the victim to enter the dwelling a Class 6 felony, if the offender enticed, etc. the victim to enter the dwelling with the intent to commit the offense. The legislation specifies that the offense would be a separate and distinct felony.

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

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2016	\$50,000	General
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	
2021	\$0	

**8. Fiscal Implications:**

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 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. Ultimately, the presiding judge will decide if there is to be any time

served in jail; however, 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 2014), the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 2013.

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 3 of the 2014 Acts of Assembly, Special Session I, 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:** 2/6/2015

**Document:** G:\LEGIS\fis-15\1493h1.docx Dick Hall-Sizemore