

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number: HB 2120**

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

**2. Patron: Cline**

**3. Committee: Passed both houses**

**4. Title: Admission to bail**

**5. Summary:**

Current law lists offenses for which a judicial official must presume, subject to rebuttal, that any person charged with them will not show up for trial or the safety of the public is at risk if that person is admitted to bail. For a person who is charged with an offense giving rise to a rebuttable presumption against bail, a judge may set or admit such person to bail after notice and an opportunity to be heard has been provided to the attorney for the Commonwealth.

The proposed legislation adds bodily injury by strangulation to the list of offenses for which there is to be a rebuttable presumption against bail, if the alleged victim is a family or household member.

**6. Budget Amendment Necessary: No.**

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

**8. Fiscal Implications:**

Because anyone charged with an offense for which there is a rebuttable presumption against bail must wait for a judge to have a bail hearing after giving the Commonwealth's attorney an opportunity to be heard, that person will be held in jail longer than he or she would have been otherwise, even if bail is eventually granted. By expanding the list of offenses for which the rebuttable presumption is applicable, the proposed legislation could result in additional persons being held in jail.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. 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.

**9. Specific Agency or Political Subdivisions Affected:**

Compensation Board  
Local and regional jails

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

**11. Other Comments:** None.

**Date:** 3/6/2015

**Document:** G:\LEGIS\fis-15\hb2120er.docx Dick Hall-Sizemore