

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB 284

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

2. Patron: Collins

3. Committee: House Courts of Justice

4. Title: Distribution of a controlled substance

5. Summary:

The proposed legislation would establish as a Class 5 felony the distribution of a Schedule I or II controlled substance where the use of the substance by another person results in such other person's overdose, defined as a life-threatening condition. The legislation would provide an affirmative defense to prosecution if the accused person sought or obtained medical attention for the person with the overdose, remained at the scene until medical and law-enforcement personnel arrived, and cooperated in the investigation.

6. Budget Amendment Necessary: Yes. Item 394.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	\$50,000	General
2018	\$0	
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	

8. Fiscal Implications:

A person convicted of a Class 5 felony is subject to a sentence of up to 12 months in jail or 1 to 10 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. 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 most recent Jail Cost Report (November 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014.

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 665 of the 2015 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
Compensation Board
Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/5/2016

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