

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: HB 769**

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

**2. Patron: Gilbert**

**3. Committee: House Courts of Justice**

**4. Title:** Limitation of prosecutions

**5. Summary:**

Under current law, there is a general requirement that prosecution of a misdemeanor must commence within one year of the commission of the offense. There are numerous exceptions to this requirement.

The proposed legislation would provide that prosecution for several misdemeanor sexual offenses, including sexual battery, infected sexual battery, and sexual abuse, shall be commenced no later than one year after the victim reaches majority.

**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:**

By extending the time within which a person could be prosecuted for a misdemeanor, which is punishable with a sentence of up to 12 months in jail, the legislation could result in more persons convicted of the specified offenses. Furthermore, a third conviction of one of the specified offenses, sexual battery, constitutes a Class 6 felony, which is punishable by a

sentence of up to 12 months 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.

According to the Virginia Criminal Sentencing Commission, not enough information is 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 the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. 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:** Identical to SB 354.

**Date:** 2/11/2016

**Document:** G:\LEGIS\fis-16\hb769.docx Dick Hall-Sizemore