

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB 886

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

2. Patron: Albo

3. Committee: House Courts of Justice

4. Title: Stalking

5. Summary:

Under current law, stalking is a Class 1 misdemeanor. The offense is elevated to a Class 6 felony if:

- An offender is convicted of a second offense occurring within five years of a prior stalking conviction and a conviction within the same five years of (i) of any one of several specified assault offenses and the victim of the assault offense was also the victim of the stalking activity, (ii) assault and battery on a family member, or (iii) violating a protective order; or
- A third or subsequent conviction occurring within five years of a prior stalking conviction.

The proposed legislation would make any second offense occurring within five years of a prior conviction of stalking a Class 6 felony.

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 | \$81,914 | General |
| 2018 | \$0 | |
| 2019 | \$0 | |
| 2020 | \$0 | |
| 2021 | \$0 | |
| 2022 | \$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.

The Virginia Criminal Sentencing Commission has projected that the proposed legislation would have only a minimal impact on the jail population.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$81,941 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in three additional inmates being incarcerated in prison.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/10/2016

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