

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: SB 323**

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

**2. Patron: Favola**

**3. Committee: Militia, Police and Public Safety**

**4. Title: Protective orders**

**5. Summary:**

Under current law, when a warrant is issued for assault and battery against a family or household member, the magistrate is required to issue an emergency protective order. The proposed legislation would prohibit any person subject to such emergency protective order and served with the order from physically possessing a firearm while in the residence of the alleged victim. Violation of the provision would be a Class 1 misdemeanor. Under current law, a third or subsequent violation of a Class 1 misdemeanor firearms offense is punishable as a Class 6 felony.

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

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

**8. Fiscal Implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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.

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 misdemeanant 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.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission projects no increase in the need for prison beds resulting from the proposed legislation and, consequently, no fiscal impact.

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

Compensation Board  
Local and regional jails

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

**11. Other Comments:** None.

**Date:** 2/15/2016

**Document:** G:\LEGIS\fis-16\sb323e.docx Dick Hall-Sizemore