

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: SB 323**

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

**2. Patron: Favola**

**3. Committee: Passed both houses**

**4. Title: Violations of protective orders**

**5. Summary:**

Generally, under current law, violation of a protective order is a Class 1 misdemeanor. Under certain conditions, the offense is elevated to a Class 6 felony.

The proposed legislation would make it a Class 6 felony to violate a protective order that had been served, while knowingly armed with a firearm or other deadly weapon.

**6. Budget Amendment Necessary:** Yes. Item 394. The budget conference amendments, agreed to by the General Assembly, include funding for the fiscal impact of this legislation.

**7. Fiscal Impact Estimates:** Final. 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:**

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.

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 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 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 HB 1087, which has been enrolled.

**Date:** 3/21/2016

**Document:** G:\LEGIS\fis-16\sb323per.docx Dick Hall-Sizemore