

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: SB 339**

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

**2. Patron: Reeves**

**3. Committee: Passed both houses**

**4. Title: Stalking**

**5. Summary:**

Current law defines stalking as a person on more than one occasion engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury. The first conviction of the offense is a Class 1 misdemeanor. A second or subsequent conviction, under certain conditions, is a Class 6 felonies.

The proposed legislation provides that, if a person contacts or follows or attempts to contact or follow another person after being given actual notice that the other person does not want to be contacted or followed, such actions shall be prima facie evidence that the person doing the following or contacting intended to place the other person, or reasonably should have known that the other person was placed, in fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.

**6. Budget Amendment Necessary:** Yes. Item 394. The Senate did not include funding for the fiscal impact of this legislation in its amendments to the budget bill. The House did include funding for a similar bill in its budget amendments. The House bill is the subject of a conference.

**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:**

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.

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:** Similar to HB 752, which is now in conference.

**Date:** 3/2/2016

**Document:** G:\LEGIS\fis-16\sb339er.docx Dick Hall-Sizemore