

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB 49

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

2. Patron: Howell

3. Committee: Senate Courts of Justice

4. Title: Protective orders

5. Summary:

Under current law, any person subject to a restraining or protective order is prohibited from purchasing or transporting a firearm. The proposed legislation would also prohibit such person from possessing a firearm. Violation of the proposed legislation would be a Class 1 misdemeanor. A third or subsequent violation would be a Class 6 felony.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: 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.

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 misdemeanant 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.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has projected that the proposed legislation would not result in any increase in the need for prison beds over the next six years.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 658.

Date: 1/28/2016

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