

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 1726

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

2. Patron: Ransone

3. Committee: House Courts of Justice

4. Title: Disarming law-enforcement or correctional officer

5. Summary:

Current law prohibits a person from disarming a law-enforcement officer, a correctional officer, or an employee of the Department of Corrections who is directly involved in the care or supervision of inmates, who is engaged in the performance of his duties, with the intent of preventing the officer or employee from performing his duties. If the weapon removed is a chemical weapon or impact weapon, the offense is currently a Class 1 misdemeanor. The proposed legislation would make the offense a Class 6 felony. If the weapon removed is the officer's firearm or stun weapon, the offense is currently a Class 6 felony and the proposed legislation would make it a Class 4 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>
2018	\$29,241	General
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$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. By increasing a Class 1 misdemeanor to a

Class 6 felony, the proposed legislation could result in an increase in the number of persons sentenced to jail or prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$29,241 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in one additional inmate being incarcerated in prison. The increase may be greater, but the possible impact of increasing the penalty for removing a firearm or stun gun to a Class 4 felony could not be determined due to the lack of data.

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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/30/2017