

## Department of Planning and Budget 2017 Fiscal Impact Statement

**1. Bill Number: HB 1769**

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

**2. Patron: Dudenhefer**

**3. Committee: House Courts of Justice**

**4. Title: Acts against military personnel**

**5. Summary:**

Under current law, causing malicious bodily injury with the intent to maim, disfigure, disable, or kill a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel, while performing their official duties, is a felony, punishable by 5 to 30 years in prison, with a mandatory minimum sentence of two years. If the act causing bodily injury is unlawful, but not malicious, it is a Class 6 felony, with a mandatory minimum sentence of one year.

Another provision of current law makes it a Class 2 misdemeanor to intentionally project a laser beam at a law-enforcement officer, probation and parole officer, a correctional officer, or any employee of the Department of Corrections directly involved in the treatment or supervision of inmates, while performing their public duties.

The proposed legislation would expand all these provisions to include members of the Armed Forces, including members of the Virginia National Guard, while performing their public duties.

**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	\$50,000	General
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	

## **8. Fiscal Implications:**

Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six 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 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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

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 780 of the 2016 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  
Local and regional jails.

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

## **11. Other Comments:** None.

**Date:** 1/30/2017