

Department of Planning and Budget

2017 Fiscal Impact Statement

1. Bill Number: HB1779

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: Plum

3. Committee: Courts of Justice

4. Title: Hate crimes; immigration status; penalty.

5. Summary: Adds immigration status to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds immigration status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See below.

8. Fiscal Implications: The Department of State Police (Department) maintains a central repository for the collection and analysis of hate crimes (Incident Based Reporting system) in Virginia. The Department is in the process of replacing its existing Incident Based Reporting (IBR) system. It will execute a contract with a vendor and the new IBR system is expected to be delivered in late 2017. It will take six to ten months to test, validate, and implement the new IBR system.

According to the Department, the proposed legislation requires new data entry fields that are not currently available in the existing IBR system. If changes are required to be made to the existing system before the implementation of the new IBR, the Department estimates that it may need additional resources. Specifically, it estimates that it will need to hire a contractor to make programmatic changes, test and validate the existing system. The Department indicates that it currently does not have an information technology staff with skills necessary to perform the changes required by the legislation. Assuming the proposed legislation becomes effective July 1, 2017, and the conservative delivery date of ten months from now for the new IBR system, the estimated cost for a contractor to upgrade the existing system could be up to \$68,000.

If the effective date of the proposed legislation is delayed until the new IBR system is delivered, there would be no fiscal impact to the Department due to the fact that the new system will have the capability to capture the data required by the proposed legislation.

According to the Criminal Sentencing Commission, since the proposed legislation expands the applicability of two existing felony offenses to include acts committed because of the victim's immigration status, the proposal may increase the number of offenders convicted of a felony under §§ 18.2-57(B) and 18.2-121. In the six most recent fiscal years, however, none of the offenders convicted of one of the existing hate-crime felonies have received a state-responsible (prison) sentence. Therefore, the proposal is not expected to increase the state-responsible bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements.

By expanding the applicability of an existing Class 1 misdemeanor offense and two felony offenses that carry mandatory minimum jail terms, the proposal may increase local-responsible (jail) bed space needs. Because the number of new convictions resulting from the proposal cannot be determined, the magnitude of the impact on jail bed space needs cannot be estimated. 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 most 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.

10. Technical Amendment Necessary: No.

11. Other Comments: None.