

## Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** SB1060 – S2

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:**    Black

3. **Committee:** Courts of Justice

4. **Title:**    Female genital mutilation; criminal penalty and civil action.

5. **Summary:** This substitute bill makes it a Class 1 misdemeanor for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor or for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation. The proposal establishes certain exceptions, however, it would not be a defense for a violation of the section that the procedure was required by custom, ritual, or religious practice. The bill also provides a civil cause of action for any person injured by such circumcision, excision, or infibulation.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Fiscal Impact Estimates Are Preliminary

8. **Fiscal Implications:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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. 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.

The substitute bill specifies that this sentence is to be a separate and distinct violation.

9. **Specific Agency or Political Subdivisions Affected:** The Compensation Board, local and regional jails and law enforcement

10. **Technical Amendment Necessary:** No

11. **Other Comments:** SB1241 was incorporated into the bill.