

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB1074

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:** Heretick

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

4. **Title:** Reciprocal no contact provisions in protective orders.

5. **Summary:** Allows courts to include a provision prohibiting contact by the petitioner or the allegedly abused person named in a protective order from having contact with the respondent. Currently, protective orders only forbid a respondent from contacting the petitioner or allegedly abused person.

6. **Budget Amendment Necessary:** Yes. Item 391.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. **Fiscal Implications:** This bill may increase the number of people convicted of violating a protective order, a Class 1 misdemeanor. In addition, anyone who commits a third or subsequent violation within 20 years of their first conviction is guilty of a Class 6 felony so long as either the instant or one of the prior offenses is based on an act or threat of violence. Therefore, the number of people sentenced to prison or jail may increase as a result of this proposal.

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. 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 a large 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

The impact of the bill on state-responsible (prison) bed space cannot be determined due to insufficient data. In such cases, Chapter 836 of the 2017 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill. Because the number of cases cannot be

quantified, the impact on community corrections programs, local corrections, and the Department of Juvenile Justice cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Corrections, Local correctional facilities, Community corrections, and Department of Juvenile Justice.

10. Technical Amendment Necessary: No.

11. Other Comments: None.