

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB1580S2

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Cline

3. Committee: Senate Substitute

4. Title: Enhanced penalty for violation of protective order or stalking

5. Summary: The proposed legislation expands the offenses for which a conviction of a second or subsequent offense of violating a protective order shall include a mandatory minimum term of confinement of 60 days. It also expands the offenses for which a conviction of a third or subsequent offense of any combination of stalking or violating a protective order is punishable as a Class 6 felony with a mandatory minimum term of confinement of six months. The bill requires that the third or subsequent offense is committed within 20 years of the first conviction, either the instant or one of the prior offenses was based on an act or threat of violence, the offenses all involve the same victim, and the incidents arise out of separate occurrences.

6. Budget Amendment Necessary: Yes. Item 391.

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

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

Chapter 836 of the 2017 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to this bill because the impact on state-responsible (prison) bed space cannot be determined due to insufficient data. The impact on the Department of Juvenile Justice and local correctional facilities cannot be determined.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.