Department of Planning and Budget
2018 Fiscal Impact Statement

1. **Bill Number:** HB219

   House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

   Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Morefield

3. **Committee:** Committee Referral Pending

4. **Title:** Passing a stopped school bus; reckless driving penalty.

5. **Summary:** Current law requires motorists to stop and remain stopped when approaching a school bus that is stopped on any highway, private road, or school driveway to take on or discharge children, the elderly, or mentally or physically handicapped persons. Violation of this law is currently a Class 1 misdemeanor. The proposed legislation modifies the offense such that any person who, as the sole proximate result of his reckless driving in violation of this sections, causes serious injury or death of another person would be guilty of a Class 5 felony.

6. **Budget Amendment Necessary**: Yes. Item 394.

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

   Expenditure Impact:

Fiscal Year	*Dollars*	*Fund*
2019	$50,000	General
2020	$0	
2021	$0	
2022	$0	
2023	$0	
2024	$0	
2025	$0	

8. **Fiscal Implications:** For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 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 misdemeanant 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.

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 836 of the 2017 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