

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB300

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: Watts

3. Committee: Courts of Justice

4. Title: Elevate punishment for assault hate crimes.

5. Summary: This bill makes it a Class 6 felony to commit a simple assault or assault and battery against a victim who is selected for their race, religious conviction, color, or national origin. Upon conviction, the term of confinement must be at least six months, with a mandatory minimum confinement of 30 days. Under current law, simple assault is punished as a Class 1 misdemeanor. However, if the victim is chosen because of his or her race, religious conviction, color, or national origin, the offense carries a 30-day mandatory minimum term of confinement; if bodily injury results, the penalty for this offense increases to a Class 6 felony with a 30-day mandatory minimum sentence.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: This bill will make instances of hate-motivated assault a Class 6 felony, rather than a Class 1 misdemeanor. 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. 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.

According to the fiscal impact statement completed by the Virginia Criminal Sentencing Commission for this bill, no offenders whose primary offense was a misdemeanor assault hate crime were sentenced to state-responsible corrections. Because of this, the Commission anticipates no fiscal impact on the Department of Corrections (DOC). This report states that

there may be a small impact on local and community corrections, and although this cannot be determined, it is likely to be small. Additionally, the potential impact on the Department of Juvenile Justice cannot be determined at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Department of State Police, Department of Juvenile Justice, Local corrections, and Community corrections.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.