

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB802

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: O'Quinn

3. Committee: Committee Referral Pending

4. Title: Eluding police; penalty.

5. Summary: Current law provides that driving a motor vehicle in a willful and wanton disregard of a law-enforcement officer's signal to stop so as to interfere with or endanger the operation of a law-enforcement vehicle or to endanger another person is punishable as a Class 6 felony. This bill requires a mandatory minimum term of confinement of 90 days for anyone convicted under this provision.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.

8. Fiscal Implications: Typically, when someone is 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. This bill requires a minimum confinement sentence of 90 days. Therefore, this proposal could result in an increase in the number of persons sentenced to jail.

According to the Virginia Sentencing Commission, a total of 1,167 offenders were sentenced during FY2016 and FY2017 for the Class 6 felony of eluding police, as defined in § 46.2-817(B), either as the primary or as an additional offense. Of this total, 175 received an active sentence of less than 90 days. Under the proposed legislation, all offenders convicted of eluding police would serve mandatory terms of at least 90 days. 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.

9. Specific Agency or Political Subdivisions Affected: Local and Regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: None