

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** SB112

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

**2. Patron:** Favola

**3. Committee:** Courts of Justice

**4. Title:** Hate crimes against persons due to disability, gender, gender identity, sexual orientation

**5. Summary:** The proposed legislation expands the definition of hate crime and adds crimes motivated by animosity based on gender, disability, gender identity, and sexual orientation. The proposal also provides for civil action and adds that gender, disability, gender identity and sexual orientation be collected in the central repository maintained by the Department of State Police.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** The Department of State Police (VSP) maintains a central repository for the collection and analysis of hate crimes (Incident Based Reporting system) in Virginia. VSP does not anticipate any fiscal impact on their operations as a result of this legislation.

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.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Anyone convicted of a Class 6 felony may be given a sentence of up to one year in jail, or 1 to 5 years in prison. 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 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.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police,  
Department of Corrections, Department of Juvenile Justice.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is identical to HB10.