

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB465 E

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Reeves

3. Committee: Courts of Justice

4. Title: Malicious bodily injury to or pointing of laser at members of United States Armed Forces; penalty.

5. Summary: Expands the prohibition of malicious or unlawful wounding of certain emergency and law enforcement personnel, and the prohibition of pointing a laser-type device at certain law enforcement officers, to include members of the United States Armed Forces and members of the Virginia National Guard. The Engrossed version of this bill stipulates that the provisions of the bill shall not become effective unless a corresponding appropriation is provided in the budget bill passed by the 2018 General Assembly.

6. Budget Amendment Necessary: Yes. Item 391.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$50,000	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	
2025	\$0	

8. Fiscal Implications: Current law provides that if any person maliciously causes bodily injury to a law enforcement officer with intent to maim, disfigure, disable or kill, he is guilty of a felony punishable by imprisonment for a period of not less than five years nor more than 30 years. Current law provides that any person unlawfully, but not maliciously, causes bodily injury to a law enforcement officer, he is guilty of a Class 6 felony, punishable by a minimum of one year's imprisonment. Including members of the United States Armed Forces and members of the Virginia National Guard to the list of protected personnel may 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.

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.

The bill also expands the list of law enforcement officers at whom the pointing of laser-type devices is prohibited to include members of the United States Armed Forces and members of the Virginia National Guard. Under current law, a violation of this provision is punishable as a Class 2 misdemeanor, which is punishable by up to six months in jail. However, as noted above, the impact on local jails cannot be estimated at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local and Regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: None