

## **Department of Planning and Budget**

### **2019 Fiscal Impact Statement**

**1. Bill Number:** HB1688

<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:** Mullin

**3. Committee:** Courts of Justice

**4. Title:** Elementary school, etc.; students not guilty of disorderly conduct, school property or school bus.

**5. Summary:** Provides that a student at any elementary or secondary school shall not be guilty of disorderly conduct in public places if the disorderly conduct occurred on school property or a school bus.

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

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

**8. Fiscal Implications:** Disorderly conduct is classified as a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many fewer 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 decrease in jail population will decrease 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. 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

Under certain conditions, a juvenile charged with a misdemeanor offense can be committed to a detention home pending a court appearance. The proposed legislation could result in fewer juveniles being held in juvenile detention facilities, but there is not enough information available to project with any degree of certainty the potential decrease in commitments.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails, local courts and juvenile and domestic relations district, local school divisions.

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

**11. Other Comments:** Similar to HB1685.