

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB1808

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:** Gooditis

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Assault and battery in the presence of a minor; penalty.

**5. Summary:** The bill establishes that persons committing assault and battery or assault and battery against a family or household member while in the physical presence of a minor and knowing or having reason to know that such minor may see or hear such assault and battery, is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. The bill also establishes that any person who commits certain specified violent acts while in the physical presence of a minor and knowing or having reason to know that such minor may see or hear such assault and battery is guilty of a Class 5 felony. Furthermore, the bill establishes that such offenses are separate and distinct for the purposes of prosecution.

**6. Budget Amendment Necessary:** Yes, Item 391.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** The proposed legislation expands upon existing law related to crimes committed in the presence of a minor and establishes that any person who commits an assault and battery, as defined in existing law, or an assault and battery against a family or household member, as defined in existing law, while (i) in the physical presence of a minor and (ii) knowing or having reason to know that such minor may see or hear such assault and battery, is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. Additionally, the proposed legislation establishes that any person who commits an act of violence, as defined in existing law, while (i) in the physical presence of a minor and (ii) knowing or having reason to know that such minor may see or hear such act of violence, is guilty of a Class 5 felony.

According to the Virginia Criminal Sentencing Commission, not enough information is available to reliably estimate how many additional inmates in jail could result from this proposal. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor 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 varies from locality to locality. 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.

Additionally, 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 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections; Local and regional jails.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None