

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB1845

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: Brewer

3. Committee: Courts of Justice

4. Title: Carnal knowledge of pretrial or post-trial offender by owner or employee of bail bond company or employee or volunteer of residential substance abuse program.

5. Summary: Increases the current penalty for carnal knowledge of a pretrial or post-trial offender by an owner or an employee of a bail bond company from a Class 1 misdemeanor to a Class 6 felony. The bill also prohibits carnal knowledge, without use of force, threat, or intimidation, of a pretrial or post-trial offender by an employee or volunteer providing services at a residential substance abuse program licensed by the Department of Behavioral Health and Developmental Services when the offender is participating in such residential substance abuse program as a condition of bail or post-trial supervision. Violation of this provision is punishable as a Class 6 felony.

6. Budget Amendment Necessary: Yes. Item 391.

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

7a. Expenditure Impact:

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

8. Fiscal Implications: This bill changes an existing penalty from a Class 1 misdemeanor, which is punishable by up to 12 months in jail, to a Class 6 felony. It also establishes a new offense that is punishable as a Class 6 felony. For someone 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. Therefore, this proposal could result in an increase in the number of persons sentenced to either 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

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: None

11. Other Comments: None