

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2010

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| 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: Toscano

3. Committee: House Committee for Courts of Justice

4. Title: Using flame producing instrument or device with intent to intimidate; penalty.

5. Summary: Provides that any person who, with the intent of intimidating any person or group of persons, uses any flame producing torch or other flame producing instrument or device on the private property of another without permission or on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony.

6. Budget Amendment Necessary: Yes, Item 391.

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

8. Fiscal Implications: Currently, it is a Class 6 felony for any person, with the intent of intimidating a person or group of persons, to burn an object on the private property of another without permission or on a highway or other public place in a manner having a direct tendency to place another person in reasonable fear or apprehension of death or bodily injury. Under the legislation, the existing law would be expanded to include the use of flame producing instruments or devices to intimidate. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. According to the Sentencing Commission, there is not sufficient data to estimate the impact of the proposed legislation on state-responsible (prison) bed space. 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.

Additionally, there is not enough information available to reliably estimate how many additional inmates in jail could result from this proposed legislation. 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 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.

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

10. Technical Amendment Necessary: No

11. Other Comments: None