

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2583

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

2. Patron: Gilbert

3. Committee: Courts of Justice

4. Title: Violation of protective order; armed with firearm or other deadly weapon;
penalty.

5. Summary: This bill requires a three-year minimum sentence for violating any provision of a protective order while knowingly armed with a firearm or other deadly weapon.

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	\$136,078	0	General
2021			
2022			
2023			
2024			
2025			

8. Fiscal Implications: The proposed legislation amends current law (§ 16.1-253.2) relating to protective orders. Under current law, anyone who violates any provision of a protective order while knowingly armed with a firearm or other deadly weapon is guilty of a Class 6 felony.

This bill enhances the punishment by requiring a three-year mandatory minimum sentence for the offense. In addition, the bill requires such minimum sentence to be served consecutively with any other sentence.

According to the Virginia Criminal Sentencing Commission, the proposal is expected to have an impact on the future state-responsible prison bed space needs of the Commonwealth. Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$136,078 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 4 additional inmates being incarcerated in prison.

The Virginia Criminal Sentencing Commission also estimates a decreased need of less than one local jail bed in the future because offenders would be required to serve state-responsible (prison) sentences.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jail, Courts.

10. Technical Amendment Necessary: None

11. Other Comments: None