

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1395S1

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|------------------------|---------------------------------------|------------------------------------------------|-----------------------------------------------|
| House of Origin | <input type="checkbox"/> Introduced | <input checked="" type="checkbox"/> Substitute | <input checked="" type="checkbox"/> Engrossed |
| Second House | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute | <input type="checkbox"/> Enrolled |

2. Patron: Howell

3. Committee: Senate Committee for Courts of Justice

4. Title: Assault and battery against a health care provider; enhanced penalty.

5. Summary: This bill modifies existing law by specifying that a threat to kill or to do bodily injury to any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, is a Class 1 misdemeanor. This bill also expands existing law to include a threat to kill or to do bodily injury to any health care provider, as defined in existing law, and who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care, when such person knows or has reason to know the threatened person is a health care provider, as a Class 1 misdemeanor.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: This bill modifies an existing Class 1 misdemeanor and expands upon an existing Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 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 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.

9. Specific Agency or Political Subdivisions Affected: Local jails; Local law enforcement; Courts.

10. Technical Amendment Necessary: No

11. Other Comments: None