

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1620

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

2. Patron: Obenshain

3. Committee: Courts of Justice

4. Title: Entering lands, buildings, or premises in violation of provisions of protective orders

5. Summary: Provides that any person subject to a protective order who enters the lands, buildings, or premises owned or leased by any protected party while the protected party is present, or who enters or remains in or on such lands, buildings or premises until the protected party arrives, is guilty of a Class 6 felony. Under current law, such person is guilty of a Class 6 felony if he enters the home of the protected party while the protected party is present, or enters and remains in the home until the protected party arrives.

6. Budget Amendment Necessary: Yes. Item 391.

7. Fiscal Impact Estimates: Preliminary. See below.

7a. Expenditure Impact:

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

8. Fiscal Implications: 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 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. The impact on local correctional facilities and the Department of Juvenile Justice is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local correctional facilities, Department of Juvenile Justice

10. Technical Amendment Necessary: No.

11. Other Comments: None.