

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1621 S1

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

2. Patron: Obenshain

3. Committee: Courts of Justice

4. Title: Assault and battery against a family or household member; enhanced penalty.

5. Summary: Reduces from two prior convictions to one prior conviction the required number of prior convictions of assault and battery against a family or household member before the Class 6 felony applies. The substitute bill requires the offense occur within 20 years of the instant offense.

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	\$0		
2020	\$14,978,224	0	General
2021	\$0		
2022	\$0		
2023	\$0		
2024	\$0		
2025	\$0		

8. Fiscal Implications: The proposal amends current law (§ 18.2-57.2) relating to assault and battery against a family or a household member. Currently, the second offense is punishable as a Class 1 misdemeanor. If it is alleged in the warrant, petition, information or indictment that the offender has been previously convicted of any *two* of the specified offenses against a family or household member the penalty for the third offense is elevated to a Class 6 felony.

Under the proposed legislation if it is alleged that the offender has been previously convicted of a *single* specified offense against a family or household member, the penalty for the second offense would be a Class 6 felony.

Because the bill expands the circumstances under which an existing felony penalty offense would apply, the Virginia Criminal Sentencing Commission's data indicates that the bill 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 \$14,978,224 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 427 additional inmates being incarcerated in prison.

Additionally, the bill is also expected to increase the future need for local-responsible (jail) beds. The impact on local-responsible (jail) beds is estimated to be 157 beds by FY2025 (state costs: \$1,939,012; local costs: \$2,838,999).

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.

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

10. Technical Amendment Necessary: None

11. Other Comments: None