

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB541

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

2. Patron: Obenshain

3. Committee: Education and Health

4. Title: Involuntary manslaughter; death of a fetus; penalty.

5. Summary: Establishes that any person who, as a result of driving under the influence, causes the death of the fetus of another is guilty of involuntary manslaughter. The bill provides that if such person's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life, he is guilty of aggravated involuntary manslaughter.

6. Budget Amendment Necessary: Yes. Item 391.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.
Expenditure Impact:

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

8. Fiscal Implications: Expanding felony offenses as proposed in this legislation could result in an increase in the number of persons sentenced to jail or prison. This bill establishes new provisions for involuntary manslaughter, which is a Class 5 felony punishable by either up to one year in jail or one to ten years in prison, and aggravated involuntary manslaughter, which is a felony punishable by no less than one but no more than 20 years' imprisonment.

Although the 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local and Regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: None