



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1301 Amendment in the Nature of a Substitute (Patron Prior to Substitute – Hurst)

LD#: 20107930

Date: 02/10/2020

Topic: Office of the Children's Ombudsman

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Direct Care:**
None (\$0) *
- **Juvenile Detention Facilities:**
None (\$0) *

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal adds Chapter 4.4 to Title 2.2 of the *Code of Virginia* to establish the Office of the Children's Ombudsman. This office is charged with effecting changes in policies and procedures; reviewing the actions of state and local departments of social services and other child-caring institutions; and ensuring compliance with rules and policies pertaining to children's protective services and the delivery of care to children in foster care and adoptive homes. The office is headed by the Children's Ombudsman, who is appointed for a term of four years by the Governor and subject to confirmation by the General Assembly.

This version of the bill removes all criminal penalties proposed § 2.2-448 in previous versions of the proposed legislation.

Analysis:

According to fiscal year (FY) 2014 through FY2019 data from the Juvenile & Domestic Relations Court Case Management System (CMS), one offender was convicted of a Class 1 misdemeanor under § 63.2-1513 for falsely reporting child abuse or neglect. This offender (also convicted of profane language over the public airways) received a local-responsible (jail) term of six months. According to Circuit Court CMS data for the same time period, there were no convictions for a second or subsequent violation of § 63.2-1513.

Impact of Proposed Legislation:

State adult correctional facilities. Because it removes the criminal penalties proposed in previous versions of the bill, the proposal will not have an impact on prison beds during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. Likewise, the proposal will not affect local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal will not affect adult community corrections programs.

Virginia's sentencing guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice, the proposal is not expected to impact direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to impact the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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