

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB1475

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

2. Patron: McGuire

3. Committee: Courts of Justice

4. Title: Assault and battery against a family or household member; prior conviction; term of confinement.

5. Summary: This bill establishes that when a person is convicted of assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment, that such person has been previously convicted of an offense within a period of ten years against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, such person is guilty of a Class 1 misdemeanor. This bill imposes a mandatory minimum sentence of 60 days.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: This bill creates a new misdemeanor penalty for offenses for assault and battery against a household member. Anyone convicted under the proposed legislation would be subject to a mandatory minimum sentence of 60 days; however, anyone convicted of a Class I misdemeanor is subject to a sentence of up to 12 months in jail. Therefore, the proposed legislation could result in an increase in the number of persons sentenced to jail.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently 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 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None