

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB372

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

2. **Patron:** Bell

3. **Committee:** Courts of Justice

4. **Title:** Violation of protective orders; assault and battery.

5. **Summary:** Under current law, anyone who commits an assault or battery and causes bodily injury to any person protected by a protective order is guilty of a Class 6 felony. This bill removes the bodily injury requirement for the Class 6 felony to apply.

6. **Budget Amendment Necessary:** Yes, Item 402.

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>
2020			
2021	\$2,703,844	0	GF
2022			
2023			
2024			
2025			
2026			

8. **Fiscal Implications:** The proposal expands the applicability of an existing Class 6 felony to include violations of protective orders in which the subject of the order commits assault and battery upon the protected party, regardless of whether injury resulted.

Virginia Criminal Sentencing Commission 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 \$2,566,408. The amount is based on the projection that the legislation will result in 71 additional offenders 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 11 beds by FY2026 (state costs: \$137,436; local costs: \$206,905).

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 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: Department of Corrections, local and regional jails, courts

10. Technical Amendment Necessary: None

11. Other Comments: None