

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: HB1791

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

2. Patron: McNamara

3. Committee: Committee Referral Pending

4. Title: Assault and battery or threats of bodily injury; sports official; penalty.

5. Summary: This bill prohibits anyone from committing a simple assault or assault and battery against another person knowing or having reason to know that the other person is (i) engaged in the performance of his duties as such during a sports event or (ii) on the premises where a sports event is held immediately preceding or following a sports event. A violation of this provision is punishable as a Class 1 misdemeanor. The bill also requires that the sentence of such person, upon conviction, must include a mandatory minimum fine of \$500 and prohibits such person from coming within 50 feet of the premises where any sports event is held in the Commonwealth an hour prior to the beginning of the sports event, during the sports event, and an hour following the conclusion of the sports event for one year.

The bill defines a sports event as any athletic activity organized by a local government department or agency, any interscholastic or intramural athletic activity at any public, private, or religious elementary, middle, or high school or any intercollegiate or intramural athletic activity at any institution of higher education, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semi-professional event, or any other organized athletic activity in the Commonwealth.

The bill defines a sports official as a person at a sports event who enforces the rules of the sports event, supervises the participants in a sports event, or organizes the sports event, including an umpire, referee, line judge, coach, trainer, equipment manager, or tournament director.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

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 varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

This bill imposes a minimum fine of \$500 for anyone who is convicted under the provisions of this bill. Although revenue collected for such fines would be deposited into the Literary Fund, the amount of revenue generated cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None