

## Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB864H1

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

2. **Patron:** Levine

3. **Committee:** House Courts of Justice

4. **Title:** Infected sexual battery.

5. **Summary:** The proposed legislation adds that in order to be convicted of a Class 1 misdemeanor for infected sexual battery, a person must know themselves to have an infection that is currently detectable and transmittable, and commit the offense without either person using any prophylactic barrier, including a condom or dental dam, or medication approved by the U.S. Food and Drug Administration to prevent transmission.

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. 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 jails; local law enforcement.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.