

REVISED (2/3/2022)
Department of Planning and Budget
2022 Fiscal Impact Statement

1. Bill Number: HB408

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Delaney

3. Committee: Courts of Justice.

4. Title: Virginia Sexual and Domestic Violence Victim Fund; funding for sexual assault services.

5. Summary: The proposed legislation adds payments to sexual assault service providers and hospitals for the purpose of providing salaries and equipment for sexual assault nurse examiners and pediatric forensic nurses to the list of purposes for which funds from the Virginia Sexual and Domestic Violence Victim Fund (Fund) may be used. The bill also requires the Department of Criminal Justice Services to prioritize funding to sexual assault service providers and hospitals that provide sexual assault nurse examiner services and pediatric forensic nurse services in rural and underserved communities when making funds available for such purpose. The bill also increases the amount apportioned to the Fund from the fixed-fee assessment for misdemeanors and traffic infractions tried in district court.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: Currently, the Virginia Sexual and Domestic Violence Victim Fund is a special non-reverting fund to be administered by the Department of Criminal Justice Services (DCJS) to support the prosecution of domestic violence cases and victim services. DCJS is also required to adopt guidelines to make funds available to: (i) local attorneys for the Commonwealth for the purpose of funding the cost of additional attorneys or to further dedicate existing resources to prosecute felonies and misdemeanors involving domestic violence, sexual violence, sexual abuse, stalking and family abuse, and; (ii) law-enforcement authorities or appropriate programs, including civil legal assistance, to assist in protecting and providing necessary services to victims of and children affected by domestic violence, sexual abuse, stalking and family abuse

The proposed legislation provides that DCJS is to adopt guidelines in order to make funds available to sexual assault service providers and hospitals for the purpose of funding the cost of salaries and equipment for sexual assault forensic examiners, sexual assault nurse examiners, and pediatric sexual assault nurse examiners, prioritizing the funding of such costs for forensic examiners and nurse examiners serving rural or underserved areas of the

Commonwealth. The agency reports that this administrative workload can be absorbed within existing resources.

Furthermore, the proposed legislation also amends § 16.1-69.48:1(B) and § 16.1-69.48:1(D) by reducing the portion of fixed fees assessed for misdemeanors and traffic infractions in which there is a finding of guilt in district court which are allotted to the general fund, and increases the proportion of the same fees allotted to the Virginia Sexual Domestic Violence Victim Fund (Fund). The proposed legislation would reallocate \$2.13 from the general fund for every misdemeanor in which there is a finding of guilt in district court, and \$2 from the general fund for every traffic infraction in which there is a finding of guilt in district court, and place the money into the Fund.

The Courts report that in FY 2021, \$8,695,110.50 was collected from the \$61 fixed misdemeanor fee under § 16.1-69.48:1(B), of which \$4,988,993 was transferred to the general fund. If the proposed legislation would have been in effect in FY 2021, it is presumed that only \$4,685,058 would have accrued to the general fund, and the difference of \$303,935 would have accrued to the Fund.

The fiscal impact statement is being updated to reflect information received from the Courts related to the \$51 fixed misdemeanor fee. The Courts report that in FY 2021, \$28,131,857.02 was collected from the \$51 fixed misdemeanor fee under § 16.1-69.48:1(D), of which \$21,512,600 was transferred to the general fund. If the proposed legislation would have been in effect in FY 2021, it is presumed that only \$20,409,381 would have accrued to the general fund, and the difference of \$1,103,219 would have accrued to the Fund.

DCJS anticipates that the proposed legislation will result in at least \$1.4 million in additional revenue accruing to the Fund annually. DCJS reports that in fiscal years 2017-2019, the annual revenues in the Fund were between \$2.4 and \$2.5 million. However, the agency states that due to COVID-19, in FY 2020, the revenues were reduced to approximately \$1.8 million, and in FY 2021, the revenue was \$1.4 million.

9. Specific Agency or Political Subdivisions Affected: The Department of Criminal Justice Services; Commonwealth Attorneys; Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB749 and SB299.