

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB451S1

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

2. Patron: Bennett-Parker

3. Committee: Finance and Appropriations

4. Title: Stalking; venue; penalty.

5. Summary: The proposed legislation allows a person to be prosecuted for a stalking charge in the jurisdiction where the person at whom the stalking conduct is directed resides or resided at the time of receiving a communication from the person engaged in the stalking conduct that placed him in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member. The bill also provides that evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution for stalking. Currently, such evidence is admissible as long as the prosecution is based upon conduct occurring within the Commonwealth.

6. Budget Amendment Necessary: Yes, Item 404.

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

8. Fiscal Implications: The Virginia Criminal Sentencing Commission (VCSC) reports that the proposed legislation could potentially expand prosecutions for stalking to individuals sending communications from outside Virginia to victims within the state, which could result in additional Class 6 felony convictions for a second or subsequent stalking offenses.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanor or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. 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 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 552, 2021 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Department of Juvenile Justice; Local and regional jails; Courts; Commonwealth Attorneys; Public Defenders.

10. Technical Amendment Necessary: No

11. Other Comments: None