



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1323

(Patron – Callahan)

Date Submitted: 1/14/04

LD #: 04-7366260

Topic: Interfering with a railroad employee's medical treatment

Proposed Change:

The proposal adds § 18.2-324.2 to the *Code of Virginia* relating to interfering with a railroad employee's medical treatment. The proposal states that it is unlawful for a railroad company or a person employed by such company to deny, delay, or interfere with the medical treatment of an employee who has been injured during employment. Also, the proposal makes it unlawful for the railroad company to discipline or threaten to discipline an employee seeking medical treatment. A violation of § 18.2-324.2 would be classified as a felony with a maximum prison term of two years and a fine up to \$10,000.

Current Practice:

Currently, the *Code of Virginia* does not specify that it is a crime for a railroad company to deny, delay, or interfere with the medical treatment of an employee who has been injured during employment. Nor does the *Code* specify that it is a crime for the railroad company to discipline or threaten to discipline an employee seeking medical treatment.

Impact of Proposed Legislation:

The databases available in the Commonwealth are not sufficient to provide information about railroad company employees who have been injured on the job and have had medical treatment denied, delayed or obstructed or those who have been disciplined by their company for requesting medical treatment. Therefore, it is not possible to determine the impact that the proposal may have on state-responsible (prison) bed space. In addition, the proposal will not require a change in the sentencing guidelines.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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The Commission provides analyses of the impact on prison and jail bed space and community corrections placement needs in accordance with § 30-19.1:4. Impact analyses do not comment on the merits of the bill under review.