

Department of Planning and Budget 2007 Fiscal Impact Statement

1. **Bill Number** HB1652

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron** Armstrong

3. **Committee** Courts of Justice

4. **Title** Smoking in proximity to hospital oxygen source; penalty.

5. **Summary/Purpose:** Provides that any person who smokes or uses an open flame within 25 feet of an oxygen source in a health care facility when the area is posted as a non-smoking area is guilty of a Class 2 misdemeanor.

6. **Fiscal Impact Estimates are:** PRELIMINARY; See item 8.

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail. Therefore, this proposal could result in an increase in the number of persons sentenced to jail.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most 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 (FY 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

9. **Specific agency or political subdivisions affected:** Local and regional jails, Compensation Board, state and local law enforcement agencies.

10. **Technical amendment necessary:** No.

11. **Other comments:** None.

Date: 01/09/07 / ltc

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cc: Secretary of Public Safety
Secretary of Administration

