

**Department of Planning and Budget
2007 Fiscal Impact Statement**

1. **Bill Number** HB1861

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron** Wittman

3. **Committee** Courts of Justice

4. **Title** Battery upon a school employee.

5. **Summary/Purpose:** Provides that any person who commits battery against another knowing or having reason to know that such other person is an employee of a public or private elementary or secondary school and is engaged in the performance of his duties as such, is guilty of a Class 1 misdemeanor. The sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. Currently, the enhanced punishment only applies to a full-time or part-time teacher, principal, assistant principal, or guidance counselor.

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

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

8. **Fiscal implications:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 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:** Similar to HB1863.

Date: 01/09/07 / ltc

Document: DPB C:\2007FIS\posted\hb1861.doc

cc: Secretary of Public Safety
Secretary of Administration