

# Department of Planning and Budget

## 2008 Fiscal Impact Statement

### 1. Bill Number HB312

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

### 2. Patron Landes

### 3. Committee House Courts of Justice

### 4. Title Unintentional cause of miscarriage

### 5. Summary/Purpose:

The proposed legislation would make it a Class 5 felony to engage in conduct that shows a reckless disregard for the life or safety of others and which causes injury to a pregnant woman that results in miscarriage or stillbirth. The offense would be a Class 4 felony if the offender was under the influences of an illegal drug, marijuana, or alcohol; was operating a vehicle with a suspended license; or was committing assault and battery against a household member.

### 6. Fiscal Impact: Indeterminate. See Item 8.

### 7. Budget amendment necessary: No.

### 8. Fiscal implications:

For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. For a Class 4 felony, the possible sentence is 2 to 10 years in prison. 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 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 misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. 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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

The Virginia Criminal Sentencing Commission was unable to determine the impact of this proposal on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a criminal act, and data on such activity does not exist. Consequently, the number of individuals who could be affected by the proposal is unknown.

**9. Specific agency or political subdivisions affected:**

Department of Corrections

Local and regional jails

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

**11. Other comments:** None.

**Date:** {1/28/2008} rwh

**Document:** {G:\LEGIS\fis-08\hb312.DOC}