

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number: HB 1516**

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

**2. Patron: Orrock**

**3. Committee: House Courts of Justice**

**4. Title: Assault and battery on an ABC agent**

**5. Summary:**

Under current law, assault and battery is a Class 1 misdemeanor. However, if the offense is committed against any of several specified public safety officials while engaged in the performance of their duties, it is a Class 6 felony, with a mandatory minimum sentence of six months. The proposed legislation would add special agents of the Department of Alcoholic Beverage Control to the list of public safety officials covered under the provision.

**6. Budget Amendment Necessary: Yes. Item 380.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8.**

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2012	\$33,489	General
2013	\$1,460	General
2014	\$1,460	General
2015	\$1,460	General
2016	\$1,460	General
2017	\$1,460	General

**8. Fiscal Implications:**

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jails or prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$32,029 (the highest annual cost over the next six

years). The amount is based on the projection that the legislation will result in then need for approximately one additional bed.

The Virginia Criminal Sentencing Commission has determined that the proposed legislation also would result in an increase in the number of local-responsible (jail) inmates—one additional inmate in FY 2012 and in each fiscal year thereafter through FY 2017. The Compensation Board reimburses localities \$4.00 per day for each local-responsible inmate held in jails. It also provides funding for additional deputies needed in jails due to overcrowding. The amounts shown in Item 7 are the additional costs projected for the Compensation Board as a result of this proposed legislation.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Local and regional jails  
Compensation Board

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/11/2011

**Document:** G:\LEGIS\Fis-11\Hb1516.Doc Dick Hall-Sizemore