

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB 1606

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: Loupassi

3. Committee: House Committee for Courts of Justice

4. Title: Abuse and neglect of incapacitated adults

5. Summary:

Under current law, willful abuse and neglect of an incapacitated adult is a Class 1 misdemeanor. A second or subsequent offense is a Class 6 felony. If the offense results in serious bodily injury to the incapacitated person, it is a Class 4 felony; if death results, it is a Class 3 felony.

“Incapacitated” is currently defined as impairment due to a mental or physical condition “to the extent the adult lacks the sufficient understanding or capacity to make, communicate or carry out reasonable decisions concerning his well being.” The proposed legislation would delete this qualifier, with the result that an incapacitated adult would be defined as someone who is impaired due to mental, physical, or other causes.

The legislation would also broaden the definition of “neglect”. Currently, the statutory definition is a failure to provide treatment, care, goods or services that results in injury to the health or endangers the safety of an incapacitated adult. The proposed bill would broaden this to behavior resulting in injury or creating “a significant risk or danger to the health or safety” of the adult.

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	\$50,000	General

8. Fiscal Implications:

By broadening the population that would be covered by the statute and the definition of neglect, the proposed legislation could result in more people violating it, thereby possibly increasing the number of people 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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 20010), the estimated total state support for local jails averaged \$33.01 per inmate, per day in FY 2009.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 874 of the 2010 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/11/2011

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