

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 216

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: McClellan

3. Committee: House Courts of Justice

4. Title: Assaults of persons issued protective orders

5. Summary:

Under current law, assault and battery is a Class 1 misdemeanor. A conviction of assault and battery against a family or household member is a Class 6 felony if the offender has had, within the previous 20 years, two previous convictions, in any combination, of (i) assault and battery against a family or household member, (ii) malicious wounding, (iii) aggravated malicious wounding, or (iv) malicious bodily injury by means of a substance.

The proposed legislation would expand the Class 6 felony offense to include assault and battery of a person who is protected by protective order issued against the person committing the assault and battery. The result would be that any person committing assault and battery against a person protected by protective order from the person committing the offense would be guilty of a Class 6 felony if, within the previous 20 years, he had been convicted of two previous counts, in any combination, of (i) assault against a family or household member, (ii) assault against a person protected by a protective order issued against the offender committing the assault and battery, (iii) malicious wounding, (iv) aggravated malicious wounding, or (v) malicious bodily injury by means of a substance.

6. Fiscal Impact Estimates: Preliminary. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$542,002	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

7. Budget Amendment Necessary: Yes. Item 380.

8. Fiscal Implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 jail or prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimate a fiscal impact of \$542,002 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in approximately 20 additional inmates being incarcerated in prison.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/2010 dpb

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