

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB2340

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: Morrissey

3. Committee: Courts of Justice

4. Title: Protective orders; dating relationship.

5. Summary: Expands the class of persons who is eligible to obtain a protective order in cases of family abuse to include persons who are in a dating relationship and who have been subjected to dating relationship abuse. The bill also defines the terms 'dating relationship' and 'dating relationship abuse.'

6. Budget Amendment Necessary: Yes. Items 380 and 398.

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the impact of the proposed legislation on state and local adult beds, and adult community correction resources, cannot be determined. Due to this, Chapter 874 of the 2010 Acts of Assembly requires the Commission to identify a minimum fiscal impact of \$50,000, which would need to be appropriated to the Department of Corrections (Item 380). Also, the Commission stated that the Department of Juvenile Justice cannot determine the fiscal impact on their correction centers or detention facilities.

The Department of Juvenile Justice claims a fiscal impact will occur due to a larger volume of protective orders. Of the 9,967 arrests of persons that committed an assault against an individual with whom they are in a dating relationship could result in each of those victims filing complaints requesting protective orders. Based upon a workload analysis by the National Council on Crime and Delinquency, to process all 9,967 victims as intakes for protective orders would require an additional 5.9 juvenile intake officers at a cost of \$311,027. Because it is impossible to know how many of these cases would result in the filing of a petition for a protective order, the Department breaks the data as follows:

- If 75% of the victims request a protective order, then the cost would be \$233,262.
- If 50% of the victims request a protective order, then the cost would be \$155,529.
- *If 25% of the victims request a protective order, then the cost would be \$77,765.*
- *If 10% of the victims request a protective order, then the cost would be \$31,112.*
- If 5% of the victims request a protective order, then the cost would be \$15,540.

Assuming that 10% of the 9,967 victims would result in a victim requesting a protective order requiring DJJ intake officers to file a petition, the estimated fiscal cost to the Department would be \$31,112. If 25% of the victims request a protective order, then the cost would be \$77,765. The Department considers each of the estimates to be conservative.

According to the Department of State Police, the proposed legislation is not expected to have a fiscal impact.

Although insufficient data exists to determine the fiscal impact on local jail beds, the proposal could result in an increase in the jail population since the class of persons who is eligible to obtain a protective order is being expanded. 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. 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 FY2009 Jail Cost Report (November 1, 2010), the estimated total state support for local and regional jails averaged \$33.01 per state inmate, per day in FY 2009.

9. Specific Agency or Political Subdivisions Affected: Departments of Corrections and Juvenile Justice, local and regional jails, Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/21/2011

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