

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB 208

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

2. Patron: Barker

3. Committee: Senate Courts of Justice

4. Title: **Definition of “family and household member”**

5. Summary:

There are numerous statutes that deal with actions that affect a “family or household member”. Currently, the law defines the following individuals as being a “family or household member” of a person: spouse, former spouse, parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents, grandchildren, in-laws who reside in the same in the same home with the person, any individual who has a child in common with the person, and any individual who cohabits with the person.

The proposed legislation would expand this definition to include any individual who is currently or was formerly involved in a “substantive, intimate dating relationship” with the person. It goes on to define what constitutes a “dating relationship”.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$50,000	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

7. Budget Amendment Necessary: Yes. Item 380.

8. Fiscal Implications:

The proposed legislation could affect both the adult and juvenile correctional systems.

Adult corrections

There are two criminal statutes that involve offenses directed against “family or household members” and which explicitly refer to the definition of that term as set out in the Code section that the proposed legislation would expand. One section is the one setting out penalties for assault and battery against a family or household member. The other one deals with stalking. In some situations, violations of those sections are Class 1 misdemeanors; in other circumstances, a violation constitutes a Class 6 felony. Expanding the definition of “family or household member” could result in more individuals being convicted under those statutes.

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.

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 \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. 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 2009), the estimated total state support for local jails averaged \$32.66 per inmate, per day in FY 2008.

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 781 of the 2009 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

Juvenile corrections

Juvenile probation intake officers are required by state law to process petitions for protective orders in cases of abuse of family or household members and are authorized to issue temporary protective orders in such cases. Expanding the definition of “family or household member” to include those in a “dating relationship” could substantially increase the workload of the juvenile intake officers of the Department of Juvenile Justice (DJJ).

Data maintained by the Department of State Police indicate that, in 2008, 9,878 victims of assault reported that they were in a dating relationship with their assailant. Under the provisions of the proposed legislation, this large group of people could be eligible to file requests for protective orders with juvenile intake officers. It is not feasible to project how many more people would file such requests, but DJJ feels that it would need more personnel to handle the increased workload and the additional cost would range from \$76,560 to \$229,680. Furthermore, in those areas where additional intake officers were not added, the workload of the current staff would increase.

9. Specific Agency or Political Subdivisions Affected:

Department of Juvenile Justice
Department of Corrections

10. Technical Amendment Necessary: N/A.

11. Other Comments: N/A.

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