

# Department of Planning and Budget

## 2010 Fiscal Impact Statement

**1. Bill Number: SB 22**

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

**2. Patron: Locke**

**3. Committee: Senate Finance**

**4. Title: Assault and battery of fire marshals**

**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 fire marshals, deputy fire marshals, and assistant fire marshals to the list of public safety officials covered under the provision.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$75,804	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

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

**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 prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$75,804 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in approximately three 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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