

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** SB 239

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Stuart, Richard H.

**3. Committee:** Passed Both Houses

**4. Title:** Child abuse and neglect; mandatory reporting, penalties

**5. Summary:** The enrolled bill adds individuals associated with or employed by any public organization responsible for the care, custody, or control of children to the list of individuals required to report suspected child abuse or neglect. However, the amended bill exempts attorneys who are employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client.

The bill reduces the time allowed for reporting suspected child abuse or neglect by a mandated reporter from 72 hours to as soon as possible but not longer than 24 hours. In addition, it increases the fine for subsequent reporting failures to at least \$1,000. In cases evidencing acts of rape, sodomy, or object sexual penetration an individual who fails to make the required report would be guilty of a Class 1 misdemeanor.

No person would be required to make a report if they have actual knowledge that the same matter has already been reported to the local department or the department's toll-free child abuse and neglect hotline.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Cannot Be Determined** (See item 8)

**8. Fiscal Implications:**

Department of Social Services

Adding the individuals outlined in the proposal to the list of mandated reporters is not expected to have a fiscal impact on the Department of Social Services. The department already has online training available to any and all mandated reporters on how to recognize, identify and report suspected child abuse and neglect.

A specific cost estimate cannot be determined; however, the proposed legislation may increase the child protective services workload in local departments of social services. Although the bill's impact on reports cannot be estimated; additional resources will be required if a significant number of abuse and neglect suspicions are reported.

### Local and Regional Jails

Anyone convicted of a Class 1 misdemeanor under the provisions of this bill would be subject to a sentence of up to 12 months in jail. 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. 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 most recent Jail Cost Report (November 2011), the estimated total state support for local jails averaged \$29.98 per inmate, per day in FY 2010.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Social Services

Compensation Board

Local and regional jails

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is a companion to HB 1237 and incorporates SB 265, SB 303, SB 622, and SB296.

**Date:** 3/1/12

**Document:** G:\2012 Fiscal Year\Efis\Enrolled\SB239er.doc