

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB 2211

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: McClellan

3. Committee: Passed both houses

4. Title: Stalking

5. Summary:

Under current law, stalking is a Class 1 misdemeanor. A third or subsequent conviction during a five-year period is a Class 6 felony. The proposed legislation would make a second offense of stalking a Class 6 felony if it occurred within five years of a prior conviction of stalking and if the offender had also been convicted of one or more of the following offenses within the same five years:

- Assault and battery, malicious wounding, or strangulation against the stalking victim;
- Assault and battery against a family member; or
- Violation of a protective order.

6. Budget Amendment Necessary: No. The General Assembly has included funding for the fiscal impact of this legislation in the budget bill it has passed.

7. Fiscal Impact Estimates: Final. See Item 8 below.

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2013 | | |
| 2014 | \$23,197 | General |
| 2015 | | |
| 2016 | | |
| 2017 | | |
| 2018 | | |

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 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 \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. 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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

Pursuant to § 30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$23,197 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in one additional inmate being incarcerated in prison.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments:

Although the bill in its final form had the Woodrum enactment clause deleted, the legislature included the Woodrum appropriation in the passed budget bill.

Date: 2/27/2013

Document: G:\LEGIS\fis-13\hb2211er.docx Dick Hall-Sizemore