

Revised

**Department of Planning and Budget
2014 Fiscal Impact Statement**

1. Bill Number: HB851-ER

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

2. Patron: LeMunyon

3. Committee: Passed Both Houses

4. Title: Assault and battery; school employees; penalty.

5. Summary: Provides that a battery against a school security officer or any full-time or part-time employee of a public or private elementary school who is engaged in the performance of his duties is punishable as a Class 1 misdemeanor and the punishment shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum sentence. If the offense is committed by use of a firearm or other weapon, it is punishable by a mandatory minimum term of confinement in jail of six months. The bill also makes an assault of a campus police officer subject to the same penalties that apply when the victim is a law enforcement officer, correctional officer, firefighter, emergency medical services provider, magistrate, or judge.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final.

8. Fiscal Implications: The bill expands the current legislation relating to battery and could result in an increase in the number of persons being sentenced to jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this bill. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant 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 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

9. Specific Agency or Political Subdivisions Affected: Law enforcement agencies statewide, local and regional jails, State Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to SB570.

Date: March 7, 2014

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