

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB851-S1

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

2. Patron: LeMunyon

3. Committee: Conference Committee

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. The substitute 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 (Class 6 felony).

6. Budget Amendment Necessary: Yes; Items 385 and 67.

7. Fiscal Impact Estimates: Preliminary.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014			
2015	277,486	0	0100
2016	\$5,840	0	0100
2017	\$5,840	0	0100
2018	\$5,840	0	0100
2019	\$5,840	0	0100
2020	\$5,840	0	0100

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the proposal could increase the state-responsible (prison) bed space needs, increase local-responsible (jail) bed space needs, and increase the need for state community corrections resources. According to the Commission, the fiscal impact resulting from the increase in prison beds space needs, pursuant to § 30-19.1:4, is estimated at \$271,646. The Commission also estimated the impact on local responsible jail beds at four beds each year. The associated cost in per diems for these local responsible beds totals \$5,840 each year (4 beds x \$4 per day x 365 days = \$5,840 per year).

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

10. Technical Amendment Necessary: No.

11. Other Comments: The Senate's budget amendment (Item 385#1s) provides \$271,646 in the first year from the general fund to address the impact of the legislation on state responsible (prison) beds.

Date: February 20, 2014

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