

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 712-S1

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

2. Patron: Richard H. Black

3. Committee: Courts of Justice

4. Title: Requires faculty, administrators, and full-time staff of Virginia colleges and universities to report information regarding sexual assaults to law enforcement agencies, and creates a penalty for not reporting.

5. Summary: Requires any faculty member, administrator, or full-time staff member employed by a public institution of higher education who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor. The legislation exempts attorneys, religious officials, professional mental health counselors, and crisis counselors from these requirements if the information was obtained through legal, religious, or other official or professional duties.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See item 8.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). 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. It also funds a significant 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 FY2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY 2013.

No direct fiscal impact is anticipated on Virginia's public institutions of higher education from this proposal.

9. Specific Agency or Political Subdivisions Affected: Virginia's public institutions of higher education, Compensation Board, local and regional jails, Virginia law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: This version has incorporated SB 734, SB 1252, SB 1275, and SB 981.

This substitute differs from the introduced bill in that it has reduced the time in which faculty, administrators and full-time staff of colleges and universities must report information of sexual assault from 48 hours to 24 hours. The substitute also exempts professional mental health counselors and crisis counselors from its requirements if the information was obtained through official or professional duties.