

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB 485

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: McClellan

3. Committee: Passed both houses

4. Title: Assault

5. Summary:

For a person charged with a first offense of assault and battery against a family or household member, the court may defer the proceedings without a finding of guilt and place the person on probation for at least two years. As a condition of probation, the court also may order (i) that the person be placed under the supervision of a local community-based probation office, if one exists in the jurisdiction, and complete treatment programs offered by the probation office, or (ii) complete treatment, education programs or services, or a combination thereof, that the court feels may be beneficial for the defendant. If the court chooses the latter option, it shall require the defendant to pay all or part of the costs of such treatment or education programs. Upon fulfillment of the terms and conditions of the court order, the court shall discharge the person and dismiss the proceedings against him.

The proposed legislation would expand this provision of law to authorize the court to also defer the charges in the case of a simple assault where the victim was a family or household member of the defendant and, after the conditions of probation were satisfied, to discharge the defendant and dismiss the charges without an adjudication of guilt.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

Simple assault is a Class 1 misdemeanor for which the possible sentence is up to 12 months in jail. The Commonwealth reimburses local and regional jails \$4.00 per day for each local responsible offender housed in jails. To the extent that the proposed legislation results in offenders having their cases deferred and put on probation rather than being sentenced to jail, there would be a savings to the state, but there is insufficient information available to project the amount of any savings.

Another possible impact could be an increase in the caseloads of local probation programs if judges defer cases and commit more defendants charged with simple assault

against a family or household member to supervised probation than they would have under current law. However, there is not sufficient information available to make it feasible to project any potential caseload increase.

9. Specific Agency or Political Subdivisions Affected:

General district courts
Compensation Board
Local and regional jails
Local probation programs

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 3/8/2016

Document: G:\LEGIS\fis-16\hb485er.docx Dick Hall-Sizemore