

## Department of Planning and Budget

### 2016 Fiscal Impact Statement

**1. Bill Number:** HB670

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

**2. Patron:** Peace

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Truancy; educational neglect; penalty

**5. Summary:** Provides that any parent who willfully contributes to, encourages, or causes any act, omission, or condition that renders his child in need of supervision is guilty of educational neglect, punishable as a Class 1 misdemeanor. The bill defines a child in need of supervision as a child who, while subject to compulsory school attendance, is habitually and without justification absent from school and (i) the child has been offered an adequate opportunity to receive the benefit of the school's services and programs, (ii) the school has made a reasonable effort to effect the child's regular attendance, and (iii) the school has documented its efforts. The bill further provides that a court may, instead of finding a parent guilty of a first offense of educational neglect, defer proceedings against the parent and place him on probation upon terms and conditions. If the parent complies with the terms and conditions imposed by the court, the court shall dismiss the proceedings.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary (see Item #8)

**8. Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court (OES), the situations that are likely to fall under this new offense are typically already before the court in some other proceeding so the fiscal impact of this bill is expected to be minimal.

The proposed legislation could result in an increase in the jail population since Class 1 misdemeanor offense may result in sentences of up to 12 months in jail (and a fine up to \$2,500). However, here is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 most 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 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014.)

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

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