

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: SB737-S1

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

2. Patron: Obenshain

3. Committee: General Laws and Technology

4. Title: Payment; public employees for time away from their official duties; employee organizations; penalty.

5. Summary: Prohibits public employers from awarding paid leave or work time to any public employee specifically to permit the employee to directly or indirectly work for or on behalf of a professional association, labor union, or labor organization. The provisions of this section shall not apply to constitutional officers as defined in § 15.2-102 or their appointees as described in § 15.2-1603. A violation is a Class 5 felony.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the new Class 5 felony established by the bill is not expected to have an impact on the prison bed space needs of the Commonwealth. In addition, the Commission states that the bill may increase local responsible (jail) bed space needs but the magnitude of the impact cannot be determined.

Although there is not enough information available to reliably estimate how many additional inmates in jail could result from this bill, it should be noted that anyone convicted of a Class 5 felony could be subject to a term of imprisonment of not less than one year nor more than ten years or confinement in jail for not more than 12 months. 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 misdemeanor 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.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission has projected that the proposal will result in an increase of 0 state-responsible prison beds at a cost of \$0.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.