

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB10

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

**2. Patron:** Kory

**3. Committee:** Committee Referral Pending

**4. Title:** Hate crimes against persons due to disability, gender, gender identity, sexual orientation

**5. Summary:** Expands the definition of hate crime for the purpose of reporting hate crimes within the Department of State Police to include acts against persons on the basis of their disability, gender, gender identity, and sexual orientation. Currently, cases are only considered hate crimes if the victim is selected for their race, religion, color, or national origin.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Impact Implications:** The Department of State Police (VSP) maintains a central repository for the collection and analysis of hate crimes (Incident Based Reporting system) in Virginia. According to VSP, the proposed legislation will not have any fiscal impact on their operations.

The bill would also amend §§ 18.2-57 and 18.2-121 by adding crimes motivated by animosity based on gender, disability, gender identity, and sexual orientation to certain offenses classified as hate crimes.

Under current law, persons convicted of hate-motivated simple assault are given a mandatory minimum 30-day term of confinement and convicted of a Class 1 misdemeanor; if the complainant suffers bodily injury, the penalty is a Class 6 felony and a 30-day mandatory minimum sentence. It is also currently a Class 6 felony to trespass on property with the intent to damage when the victim is selected due to certain personal characteristics.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Anyone convicted of a Class 6 felony may be given a sentence of up to one year in jail, or 1 to 5 years in prison. This proposal could result in an increase in the number of persons sentenced to jail or prison. There 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 misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a large 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 most recent Jail Cost Report (November 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016. Additionally, according to the Department of Juvenile Justice (DJJ), the impact of this legislation on that agency cannot be determined.

**9 Specific Agency or Political Subdivisions Affected:** Department of State Police, Department of Corrections, and Department of Juvenile Justice.

**10 Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is identical to SB112.