

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB1941

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

2. Patron: Bell, Robert B.

3. Committee: Senate Finance Committee

4. Title: Maiming, etc., of another; driving while intoxicated; operating watercraft while intoxicated; penalties.

5. Summary: Increases from a Class 6 felony to a Class 4 felony the punishment for a person who, as a result of driving while intoxicated or operating a watercraft or motorboat while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment. Creates a Class 6 felony for such driving or operation that unintentionally causes the serious bodily injury of another person.

The Senate substitute version of this bill adds clarifying language defining “serious bodily injury.”

6. Budget Amendment Necessary: Yes, Item 391.

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

8. Fiscal Implications: The proposed legislation increases from a Class 6 felony to a Class 4 felony the punishment for a person who, as a result of driving while intoxicated or operating a watercraft or motorboat while intoxicated in a manner so gross, wanton, and culpable as to show reckless disregard for human life, unintentionally causes the serious bodily injury of another person resulting in permanent and significant physical impairment. The substitute version under consideration in the Senate defines “serious bodily injury” as bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty. The proposed legislation also creates a Class 6 felony for such driving or operation that unintentionally causes the serious bodily injury of another person.

This proposal could result in an increase in the number of persons sentenced to jail or prison. According to the Sentencing Commission, there is not sufficient data to estimate the impact of the proposed legislation on state prison bed space. In such cases, Chapter 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill.

Additionally, since the length of sentences and the number of new convictions that may result from enactment of the proposal cannot be determined, the magnitude of the impact on jail bed space needs cannot be estimated. 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 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Local and regional jails.

10. Technical Amendment Necessary: No

11. Other Comments: None