

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2042H1

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

2. Patron: Murphy

3. Committee: Courts of Justice

4. Title: Mandatory minimum term for assault and battery against a family or household member with a prior conviction

5. Summary: Would require that anyone who is convicted of assault and battery on a family or household member be guilty of a Class 1 misdemeanor and receive a mandatory minimum term of confinement of 60 days if he has been previously convicted of any of the following offenses in the prior 20-year period against a family or household member: assault and battery; malicious wounding or unlawful wounding; aggravated malicious wounding; malicious bodily injury; strangulation; or similar laws in other states or jurisdictions.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The proposed legislation requires a mandatory minimum sentence of 60 days for a violation of this section with a previous related conviction in the prior 20-year period. The bill is not expected to increase future state prison bed space needs, but it is expected to increase the future needs for bed space at local jails. According, to the Virginia Criminal Sentencing Commission has projected a 39-bed increase in FY 2020 and a 43-bed increase each year FY 2021-2025. It estimates state costs to be \$533,385, and costs to localities to be \$780,953 for 43 additional beds. Cost per jail bed was based on The Compensation Board's FY2017 Jail Cost Report. The state cost was calculated from the revenue portion and the resulting sum was \$33.83 per day or \$12,356 per year. The local cost was calculated by using the daily expenditure cost of \$85.98 per inmate (not including capital accounts or debt service) as the base, and subtracting revenues accrued from the state and federal governments, which resulted in \$49.53 per day or \$18,091 per year. *Where the estimated bed space impact included a portion (or fraction) of a bed, a prorated cost was included in the estimate.* The Commonwealth also 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.

There is no projected impact on the Department of Corrections. The impact on the Department of Juvenile Justice is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections,
Department of Juvenile Justice, Local correctional facilities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.