

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1180

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

2. Patron: Lopez

3. Committee: Committee Referral Pending

4. Title: Misdemeanor; maximum term of confinement.

5. Summary: Under current law (§18.2-11), a Class 1 misdemeanor is punishable by no more than twelve months in jail and a fine of not more than \$2,500, either or both. The introduce legislation amend this provision and provides that the maximum term of confinement in jail for a Class 1 misdemeanor is 364 days. The bill also reduces from 12 months to 364 days punishments for certain unclassified misdemeanors, § 33.2-802 (dumping trash); § 45.1-257 (impeding, etc., Director or agents) under the Virginia Coal Surface Mining Control and Reclamation Act of 1979; §§ 62.1-44.15:48, 62.1-44.32, and 62.1-44.34:20 of the State Water Control Law; and § 62.1-270 of the Ground Water Management Act of 1992.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: This bill reduces, by one day, the maximum time a misdemeanant may be sentenced to jail. Item 67.B, Chapter 854, 2019 Acts of Assembly defines local-responsible a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by §53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.

State responsible inmate is defined as any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible offender housed in a local facility.

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 2019), the

estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018. Therefore, this bill may reduce the amount of per diem payments made to local correctional facilities, resulting in a savings to the Commonwealth.

The proposed legislation is not expected to have a fiscal impact on the expected reimbursement made by the Commonwealth to the localities because the definition of state and local responsible offenders is currently defined by the Appropriation Act (Chapter 854, 2019 Acts of Assembly).

9. Specific Agency or Political Subdivisions Affected: Local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None