

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB557 ER

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

2. Patron: Brewer, E. M.

3. Committee: Passed both houses

4. Title: Carnal knowledge of pretrial or post-trial offender; bail bondsmen; penalty.

5. Summary: The proposal increases the penalty for carnal knowledge of a defendant on bond by an owner or employee of a bail bond company from a Class 1 misdemeanor to a Class 6 felony.

6. Budget Amendment Necessary: Yes, Item 402

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

8. Fiscal Implications: Currently, Class 6 felony only includes the carnal knowledge of an inmate parolee, probationer, and detainee, pretrial or post-trial offenders in certain correctional facilities.

According to the Virginia Criminal Sentencing Commission (VCSC), a misdemeanor violation was the primary (most serious) offense in two cases for FY 2014 through FY 2019. Both offenders were sentenced to local-responsible (jail) terms. One offender (convicted of two counts of this offense) was sentenced to serve a total of 18 months in jail. The second offender was convicted of one count of this offense and two counts of solicitation of prostitution (also a Class 1 misdemeanor), was sentenced to serve a total of 30 months in jail; in this case, however, the solicitation convictions accounted for the majority of the offender's effective time. Because the proposed legislation increases the penalty from a Class 1 misdemeanor to a Class 6 felony, the bill may increase the state-responsible prison bed needs of the Commonwealth. However, the fiscal impact cannot be determined at this time. Therefore, pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

The Department of Juvenile Justice (DJJ) reports that the bill is not expected to increase the bed space needs of juvenile detention facilities.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys, Department of Corrections, local correctional facilities.

10. Technical Amendment Necessary: No

11. Other Comments: None