

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB144 H1

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

2. Patron: Stuart

3. Committee: Courts of Justice

4. Title: Protective orders; issuance upon convictions for certain felonies; penalty.

5. Summary: This bill amends §19.2-152.10 (Protective orders) to allow the court to issue a protective order upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, when someone is convicted of an act of violence as defined in §19.2-297.1. These offenses include felony violations of homicide, certain mob-related felonies, kidnapping, assault and bodily wounding, robbery, carjacking, certain criminal sexual assaults, and arson when the structure burned was occupied.

The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the victim's health and safety or the victim's property. Under current law, the punishment for violating any provision of a protective order is punishable as a Class 1 misdemeanor.

Also, under current law, subsequent offenses of violating a protective order are punishable as Class 6 felonies with mandatory minimum terms of incarceration of up to six-months in jail. This bill exempts protective orders issued under the provisions of this bill from these expanded offenses.

6. Budget Amendment Necessary: No

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. According to the Virginia Criminal Sentencing Commission (VCSC), not enough information is available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. 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 prisoner. It also funds a considerable 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.

According to the VCSC, this bill is not expected to affect the state-responsible (prison) population.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, courts

10. Technical Amendment Necessary: None

11. Other Comments: None