

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: SB5049

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: Morrissey

3. Committee: Judiciary

4. Title: Law-enforcement officers; prohibition on the use of neck restraints.

5. Summary: Provides that it is a Class 1 misdemeanor for a law enforcement officer to use a neck restraint, as defined in the bill, in the performance of his official duties. The bill also provides that a violation of this section constitutes a separate and distinct offence, and if the acts or activities violating this section also violate another provision of law, a prosecution pursuant to this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

6. Budget Amendment Necessary: Indeterminate

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: The proposed legislation makes it a Class 1 misdemeanor for a law enforcement officer to use a neck restraint, as defined in the bill, in the performance of his official duties. The bill also provides that a violation of this section constitutes a separate and distinct offence, and if the acts or activities violating this section also violate another provision of law, a prosecution pursuant to this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

This bill creates a new Class 1 misdemeanor, which may increase the number of persons sentenced to local and regional jails. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate the potential 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. 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.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, Courts, Commonwealth's Attorneys, Public Defenders Office

10. Technical Amendment Necessary: No.

11. Other Comments: None.