

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB159

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

**2. Patron:** Kory

**3. Committee:** Courts of Justice

**4. Title:** Protective orders; prohibited contact; remote control of appliance, or device by electronic device.

**5. Summary:** Provides that a court entering a protective order may, as a condition of such protective order, prohibit the respondent from using any electronic device to remotely control any appliance, utility, or device located on or within the petitioner's residence or the curtilage thereof.

**6. Budget Amendment Necessary:** Yes. Item 402.

**7. Fiscal Impact Estimates:** Preliminary. See below.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$50,000	0	General
2022			
2023			
2024			
2025			
2026			

**8. Fiscal Implications:** The proposed legislation would permit a court entering a protective order to add as a condition of the protective order that the respondent is prohibited from using an electronic device to remote control an appliance, utility, or device in the petitioner's residence or the curtilage thereof.

This proposed legislation may have a fiscal impact on the courts. However, any potential fiscal impact is unknown at this time.

The proposed legislation expands the applicability of several existing offenses, including: § 18.2-60.4 (violation of a protective order); § 16.1-253.2 (violation of provisions of protective orders); and § 16.1-253.4 (concerning emergency protective orders). Violations of these sections may be a Class 1 misdemeanor or a Class 6 felony, depending on the circumstances of the violation.

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 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.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. Therefore, this proposal could also result in an increase in people sentenced to prison. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 854, 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections and Courts.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.