

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: HB1938

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

2. Patron: Wyatt

3. Committee: Courts of Justice

4. Title: Destroying or tampering with firefighting or emergency medical services equipment and vehicles

5. Summary: The bill increases the penalty for injuring, destroying, removing, or tampering with any firefighting equipment or apparatus, emergency medical services vehicle, or law-enforcement vehicle or equipment from a Class 1 misdemeanor to a Class 6 felony. The bill also adds interference with any other equipment or apparatus used by emergency medical services personnel or law-enforcement officers to this prohibition.

6. Budget Amendment Necessary: Yes. Item 402.

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: According to General District Court (GDC) Case Management System (CMS) data for fiscal year (FY) 2015 through FY 2020, which was provided in the fiscal impact statement prepared by the Virginia Criminal Sentencing Commission for this bill, six offenders were convicted of a Class 1 misdemeanor under §18.2-151.1 (related to destroying, tampering with emergency medical services). Only two of the six offenders were sentenced to jail with a median sentence of 20 days.

The proposed legislation expands an existing Class 1 misdemeanor offense to a Class 6 felony. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal may result in an increase in the number of persons sentenced to jail or prison.

The Virginia Criminal Sentencing Commission has determined that there is not enough information available to reliably estimate the increase in prison population as a result of this proposal after its enactment. 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 56, 2020 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

However, to the extent offenders are sentenced to local jail, the Commonwealth currently pays the localities \$4.00 a day for each misdemeanor 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 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

The Department of Juvenile Justice reports that the impact on the bed space needs of juvenile detention facilities cannot be determined as a result of the proposed legislation.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

10. Technical Amendment Necessary: No

11. Other Comments: None