

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: SB1310

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

2. Patron: Jennifer L. McClellan

3. Committee: Commerce and Labor

4. Title: Employment; domestic service; Human Rights Act.

5. Summary: Provides that individuals who are engaged in providing domestic service are not excluded from employee protection laws, laws regarding the payment of wages, and the Virginia Workers' Compensation Act. The measure also provides that the prohibitions on nondiscrimination in employment of the Virginia Human Rights Act apply to employers that employ one or more domestic workers.

6. Budget Amendment Necessary: Yes, Item 402

7. Fiscal Impact Estimates: Indeterminate

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2022	\$50,000	-	General Fund

8. Fiscal Implications:

The Office of the Attorney General and Department of Law indicates this bill presents no fiscal impact.

By expanding wage requirements and occupational health and safety standards to include domestic services, the proposal expands the application of existing felony and misdemeanor offenses. 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. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

According to the Virginia Criminal Sentencing Commission, 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 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.

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.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General and Department of Law

10. Technical Amendment Necessary: No.

11. Other Comments: Similar to HB1864.