

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** HB1636

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

2. **Patron:** Bulova

3. **Committee:** Passed both houses

4. **Title:** Operating or engaging in the conduct of a child day program or family day system without a license.

5. **Summary:** Clarifies that, for the purpose of the Class 4 felony prescribed for any parent, guardian, or other person responsible for the care of a child younger than the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child, the term "willful act or willful omission" includes operating or engaging in the conduct of a child day program or family day system without first obtaining a license such person knows is required by relevant law or after such license has been revoked or has expired and not been renewed.

6. **Budget Amendment Necessary:** Yes, Item 404.

7. **Fiscal Impact Estimates:** Final, see item 8.

8. **Fiscal Implications:** Because it expands the applicability of an existing felony for which imprisonment is authorized, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than ten years and a fine of up to \$100,000, either or both.

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 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

This bill may also increase the need for local-responsible (jail) bed space needs. 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. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys, Department of Corrections, local correctional facilities.

10. Technical Amendment Necessary: No

11. Other Comments: None