

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2079

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Murphy

3. Committee: Committee Referral Pending

4. Title: Assault and battery against a family or household member; prior conviction; second offense.

5. Summary: This bill establishes that when a person is convicted of assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment, that such person has been previously convicted of an offense within a period of ten years against a family or household member of (i) assault and battery against a family or household member, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction that has the same elements of any of the above offenses, such person is guilty of a Class 1 misdemeanor. This bill imposes a mandatory minimum sentence of 30 days

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item #8.

8. Fiscal Implications: 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.

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 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: Local and regional jails, Courts, Commonwealth's Attorneys, Public Defenders offices, law enforcement agencies

10. Technical Amendment Necessary: No

11. Other Comments: None