

## **Department of Planning and Budget**

### **2023 Fiscal Impact Statement**

**1. Bill Number:** HB2330S1

**House of Origin**    ☐ Introduced        ☐ Substitute        ☐ Engrossed

**Second House**        ☐ In Committee    ☒ Substitute        ☐ Enrolled

**2. Patron:**        McQuinn

**3. Committee:** Judiciary

**4. Title:**        Assault and battery; public transportation service vehicle operators; penalty.

**5. Summary:** Under the provisions of the proposal, it is a Class 1 misdemeanor for a person to commit an assault or an assault and battery against an individual knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of their duties. The sentence of such a person, if convicted, also prohibits such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of six months. Additionally, the bill amends 18.2-160.2 (trespassing on public transportation) and provides that any person who is prohibited from entering or riding in a vehicle operated by a public transportation service is guilty of a Class 2 misdemeanor.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8).

**8. Fiscal Implications:** The proposal makes it a Class 1 misdemeanor for any person to commit an assault or an assault and battery against an operator of a public transportation vehicle, which is punishable by a sentence of up to 12 months in jail and a fine of up to \$2,500, either or both. Additionally, the proposal makes it a Class 2 misdemeanor for any person prohibited from entering or riding in a vehicle operated by a public transportation service, which is punishable by a sentence of up to six months in jail and a fine of up to \$1,000, either or both. Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund, however it is not possible to estimate the fiscal impact of the proposal on the revenues of the fund.

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.

According to the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), there is no fiscal impact associated with this proposal.

**9. Specific Agency or Political Subdivisions Affected:** State and local law enforcement, local and regional jails.

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

**11. Other Comments:** None.