

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1156

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Boysko

3. Committee: Judiciary

4. Title: Strangulation by blocking or obstructing the airway of another; penalty.

5. Summary: Provides that any person who, without consent, impedes the blood circulation or respiration of another person by knowingly, intentionally, and unlawfully blocking or obstructing the airway of such person is guilty of strangulation, a Class 6 felony.

6. Budget Amendment Necessary: Yes. Item 404.

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

8. Fiscal Implications: Under current law, any person who, without consent, impedes the blood circulation or respiration of another by knowingly, intentionally, and unlawfully applying pressure to the neck of such person, resulting in wounding or bodily injury, is guilty of a Class 6 felony. The proposal expands the Class 6 felony to include strangulation by unlawfully blocking or obstructing the airway of another person. 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.

According to the Virginia Criminal Sentencing Commission (VCSC), between FY 2021 and FY 2022, 539 offenders were convicted of strangulation under the existing law. This offense was the primary, or most serious, offense in 381 of the cases, of which 40.9 percent were given a local-responsible (jail) term with a median sentence of seven months and 37.3 percent received a state-responsible (prison) term for which the median sentence was 1.5 years. The existing data are insufficient to estimate the number of convictions that would result from the expanded provisions of the 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 \$15.00 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 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

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.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, local and regional jails, state and local law enforcement agencies, Courts, Commonwealth's Attorneys' Office, Public Defender's Office.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.