

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1455 E

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Norment

3. Committee: Local Government

4. Title: Civil disturbance; local curfew; penalty.

5. Summary: This bill allows the chief law-enforcement officer of a locality to enact a curfew during a civil disturbance event. The bill stipulates requirements for the curfew and provides for certain exceptions. The bill requires that the action authorizing the curfew must provide for reasonable efforts to inform the public in advance of the curfew, which can be valid for no more than 24 hours. The bill provides that such curfew may not be extended or renewed unless by recorded vote of the local governing body or by judicial order. Violation of a regulation, restriction, or curfew imposed under this section is punishable as a Class 1 misdemeanor.

The engrossed version of this bill clarifies that curfews imposed in cities must be in concurrence with the city manager and the mayor.

6. Budget Amendment Necessary: No

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

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.

According to the Department of Emergency Management, this bill is not expected to have a fiscal impact on agency operations.

9. Specific Agency or Political Subdivisions Affected: Local law enforcement agencies, local and regional jails, courts, Commonwealth's Attorneys, Public Defenders offices

10. Technical Amendment Necessary: No

11. Other Comments: None