

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1114H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Simon

3. Committee: Courts of Justice

4. Title: Failure to appear; penalties.

5. Summary: The substitute bill provides that when the court determines whether a non-appearance was willful, the court shall consider mitigating circumstances. These circumstances may include (i) an illness, injury, or other unforeseen medical condition; (ii) unforeseen transportation problems; or (iii) an inability to obtain adequate dependent care. The provisions of this section shall not apply to any person who is (a) incarcerated in any correctional facility; (b) (1) detained in any state or federal facility or (2) in the custody of a law-enforcement officer at the time such person is required to appear before any court or judicial officer; or (c) has a matter scheduled to appear before another court and appears before such court on the same date.

Currently, it is a Class 6 felony to willfully fail to appear before any court for a person charged with or convicted of a felony offense. It is a Class 1 misdemeanor for any persons charged with or convicted of a misdemeanor offense. The bill provides that any person charged with any offense or is convicted for any offense and for whom execution of sentence is suspended who willfully fails to appear before any court as required is guilty of contempt punishable by a fine of no more than \$100 or imprisonment of no more than two days, either or both.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: There is not sufficient information to determine any potential decrease in local or state responsible offenders as a result of the bill. 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, the fiscal impact of the proposed legislation is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Corrections, state and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.