

## Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** HB1077

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:**    Cordoza

3. **Committee:** Courts for Justice

4. **Title:**    Paternity; genetic tests to determine parentage; relief from paternity; certain actions; penalty.

5. **Summary:** The proposed legislation provides that any person who knowingly gives any false information or makes any false statements for the purpose of determining paternity is guilty of a Class 6 felony with a mandatory minimum term of one year confinement.

The bill further requires an alleged father of a child to be informed of his option to request the administering of a genetic test prior to being entered as the father on a birth certificate. The bill further states that, in addition to any other available legal relief, an individual relieved of paternity who previously paid support pursuant to a child support order entered in conjunction with the set-aside paternity determination may file an action against the other party for repayment of any such support.

6. **Budget Amendment Necessary:** Yes, Item 404.

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

8. **Fiscal Implications:** By creating a new Class 6 felony with a mandatory minimum term of one year confinement, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanor or otherwise local-responsible prisoner held in a jail and \$12.00 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 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

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 552, 2021 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

According to the Department of Juvenile Justice (DJJ), the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined, and DJJ also reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

In addition, the proposed legislation may increase the number of child support cases that require repayment. The potential fiscal impact on the Virginia Department of Social Services cannot be determined at this time. The fiscal impact will be updated when information is available.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections; Department of Juvenile Justice; Local and regional jails; Courts; Commonwealth Attorneys; Public Defenders; and, Department of Social Services.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None