

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB453S1

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

2. Patron: Boysko

3. Committee: Judiciary

4. Title: Assault and battery; persons diagnosed with autism spectrum disorder, intellectual disability.

5. Summary: The proposed legislation provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability, or serious mental illness and the violation was caused by or had a direct and substantial relationship to the person's disorder or disability shall not be subject to mandatory minimum punishment. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people. The proposed legislation also provides nothing in the subsection shall be construed as permitting the introduction of evidence of voluntary intoxication.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The Virginia Sentencing Commission does not have any information on the number of people convicted of those offenses who had been diagnosed with autism or an intellectual disability.

The proposed legislation exempts certain persons, as specified, from serving a mandatory minimum sentence when charged with committing specified forms of assault and battery.

9. Specific Agency or Political Subdivisions Affected: Law enforcement agencies, Commonwealth's Attorneys, Courts, and local jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.