

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB550

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

2. Patron: Bell

3. Committee: Courts of Justice

4. Title: Dating relationship abuse; penalty.

5. Summary: This bill expands the crime of assault and battery against a family or household member to include persons in a dating relationship, defined as a relationship between two persons who are currently or were formerly involved in a continuing relationship of a romantic or intimate nature. The bill provides that the existence of such a relationship is to be determined based on the following considerations: the length of the relationship; the nature of the relationship; and the frequency and type of interaction between the persons involved in the relationship.

The bill also allows persons who are in a dating relationship to obtain a protective order if they have been subjected to dating-relationship abuse. The bill defines dating-relationship abuse as any act involving violence, force, or threat, including but not limited to any forceful detention, that results in bodily injury or places one in reasonable apprehension of bodily injury and that is committed by a person in a dating relationship against the other person in the dating relationship.

Under current law, assault and battery against a family or household member is punishable as a Class 1 misdemeanor. A second or subsequent convictions of any offenses specified in § 18.2-57.2 (Assault and battery against a family or household member) is punishable as a Class 6 felony.

Many violations of protective orders are punishable as a Class 1 misdemeanor; a second offense of violating a protective order within five years carries a minimum term of 60 days in jail. A third or subsequent offense of violating a protective order within 20 years (with at least one involving an act or threat of violence) is punishable as a Class 6 felony that carries a mandatory minimum term of six-months in jail. Class 6 felony punishments also apply in cases where the subject: violates the protective order while knowingly armed with a firearm or other deadly weapon; commits an assault and battery upon any protected party resulting in bodily injury, or stalks any protected party; or covertly enters the home of any protected party.

6. Budget Amendment Necessary: Yes, Item 402.

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

- 8. Fiscal Implications:** By expanding new misdemeanor and felony offenses, this legislation may increase the number of people sentenced to jail or prison. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. For offenses that carry mandatory sentences, the judge must sentence an offender to at least the prescribed minimum.

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 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

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 854, 2019 Acts of Assembly, 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, courts

10. Technical Amendment Necessary: None

11. Other Comments: None