

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB123

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

2. Patron: Wyatt

3. Committee: Committee Referral Pending

4. Title: Firefighting, emergency medical services, or law-enforcement equipment & vehicles; destroying, penalty.

5. Summary: Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for injuring, destroying, removing, or tampering with any firefighting equipment or apparatus, emergency medical services vehicle, or law-enforcement vehicle or equipment. The bill also adds to this prohibition such interference with any other equipment or apparatus used by emergency medical services personnel or law-enforcement officers.

6. Budget Amendment Necessary: Yes, Item 404.

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

8. Fiscal Implications: The Virginia Criminal Sentencing Commission (VCSC) reports that according to General District Court (GDC) Case Management System (CMS) data for fiscal year (FY) 2016 through FY2021, six offenders were convicted of a Class 1 misdemeanor for this crime. Two of the six offenders received a local-responsible (jail) sentence with a median sentence of 20 days while the remaining four did not receive an active term of incarceration. The VCSC also reports that while this legislative proposal may increase the state-responsible (prison) bed space needs of the Commonwealth, data are insufficient to identify the number of additional felony convictions that may occur. 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 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 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 VCSC 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.

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

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None