

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB366

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

2. Patron: Watts

3. Committee: Courts of Justice

4. Title: Assault and battery; penalties.

5. Summary: This bill provides that an assault or an assault and battery against certain public safety officials, when committed by a juvenile who has not been previously convicted of or proceeded against informally or adjudicated delinquent for an offense that would be a felony, is punishable as a Class 1 misdemeanor. Currently, a violation of §18.2-57 C is a Class 6 felony with a mandatory minimum term of confinement of six months.

The bill also provides that in any case where a person who has been charged with committing an offense in violation of §18.2-57 C has been diagnosed by a psychiatrist or clinical psychologist with a mental illness, developmental disability as defined in § 37.2-100, or an intellectual disability as defined in § 37.2-100 and the violation was caused by or had a direct and substantial relationship to the person's mental illness or disability, then such person is guilty of a Class 1 misdemeanor.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: Anyone convicted of a Class 6 felony under the current law is subject to a mandatory sentence of six months. Under the provisions of this bill, the penalty would be reduced to a Class 1 misdemeanor for certain juvenile offenders and for anyone who has been diagnosed with certain mental illnesses or disabilities. Therefore, under the provisions of this bill fewer people would be sentenced to prison and may instead be sentenced to jail. However, there is not enough information available to reliably estimate the impact on jail or prison bed space needs as a result of this proposal. The Commonwealth currently pays the localities \$12.00 a day for each state-responsible prisoner held in a jail and pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. According to the Virginia Sentencing Commission, information is not available on how many offenders convicted of this offense had some level of mental illness or other condition specified in the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, local law enforcement

10. Technical Amendment Necessary: No

11. Other Comments: None