

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB451ER

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

2. Patron: Bennett-Parker

3. Committee: Passed both houses

4. Title: Stalking; venue; penalty.

5. Summary: The enrolled bill provides that the crime of stalking can be conducted either in person or through any other means, including by mail, telephone, or an electronically transmitted communication. The enrolled bill provides that the person may be convicted in any jurisdiction within the Commonwealth or in the jurisdiction where the person at whom the conduct is directed resided at the time of such conduct. Stalking is a Class 1 misdemeanor. The penalty for a second conviction for stalking within five years is a Class 6 felony.

6. Budget Amendment Necessary: Yes, Item 404.

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

8. Fiscal Implications: Because the bill expands the act of stalking by specifying that it is unlawful to engage in conduct, either in person or through any other means, including by mail, telephone, or an electronically transmitted communication, the bill is expected to increase state prison beds.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. 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.

However, there is insufficient 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.

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