

## **Department of Planning and Budget**

### **2022 Fiscal Impact Statement**

**1. Bill Number:** HB475

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

**2. Patron:** Murphy

**3. Committee:** Committee for Courts of Justice

**4. Title:** Protective orders; petition; human trafficking and sex trafficking; penalty.

**5. Summary:** The proposed legislation adds to the definitions of “family abuse” and “act of violence, force, or threat” used in the protective order provisions that acts of violence, force, or threat include acts in furtherance of human trafficking or commercial sex trafficking. The bill also allows a minor to petition for a protective order on his own behalf without the consent of a parent or guardian and without doing so by next friend (another person).

**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 data do not exist to estimate the number of protective orders a judge or magistrate might issue based on elements related to human trafficking, commercial sex trafficking or as the result of a minor seeking a protective order on their own behalf. However, the VCSC states that affected offenders who commit protective order violations under these modified definitions may be sentenced similarly to those currently convicted under § 16.1-253.22 regarding violation of provisions of protective orders. Also, violation of protective orders issued based on petitions by minors, on their own, may also be sentenced similarly.

According to the VCSC, a review of FY2020 through FY2021 Circuit Court CMS data indicates that 110 offenders were convicted of a felony under § 16.1-253.2 with it being the primary, or most serious, offense in 76 of these cases. The majority (72.4 percent) of offenders received a local-responsible (jail) term with a median sentence of six months. One offender (1.3 percent) did not receive an active term of incarceration after sentencing. The remaining 26.3 percent received a state-responsible (prison) term with a median sentence of 1.3 years. In addition, JDR CMS data for the same time period indicate that 2,541 adult offenders were convicted of a Class 1 misdemeanor under § 16.1-253.2 with the majority (82.9 percent) receiving a local-responsible (jail) term with a median sentence of 10 days. The remaining 17.1 percent did not receive an active term of incarceration after sentencing.

According to the Department of Social Services (DSS), this legislation will not have a fiscal impact on DSS or the local departments of social services (LDSS) because acts of human trafficking involving minors are currently within the legal authority of child protective

services. Additionally, allowing minors to initiate their own protective orders does not appear to require a change to the existing legal processes for local departments. The Department of Juvenile Justice also indicates no fiscal impact to their agency. The impact on the courts cannot be determined at this time. The fiscal impact statement will be updated as information is available.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Corrections

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None