

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** HB713

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:** Keam

**3. Committee:** Courts of Justice

**4. Title:** Family abuse; coercive control; penalty.

**5. Summary:** The proposed legislation expands the definition of family abuse in § 16.1-228 to include “coercive control” and also adds a separate definition of “coercive control” to this provision, which is used as the basis for issuing family abuse protective orders. The proposed legislation also makes engaging in coercive control a Class 1 misdemeanor and requires an emergency protective order to be issued when a warrant is made for this violation.

**6. Budget Amendment Necessary:** Yes, Item 404.

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

**8. Fiscal Implications:** By expanding the basis for issuing family abuse protective orders to include coercive control, the proposed legislation may increase the number of Class 1 misdemeanors. The bill also establishes a new Class 1 misdemeanor for engaging in coercive control and requires an emergency protective order to be issued when a warrant is made for this violation. In addition, anyone convicted of a third or subsequent offense of violating a protective order in 20 years with one or more violations involving violence is guilty of a Class 6 felony and subject to a six-month mandatory minimum term of incarceration. It is also a Class 6 felony if the person violates a protective order while committing certain crimes such as being armed with a firearm or other deadly weapon, committing assault and battery, stalking, etc.

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.

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 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.

The impact to the local departments of social services cannot be determined at this time. This fiscal impact statement will be updated when additional information is available.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None