

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB89H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Walker

3. Committee: Committee on Education

4. Title: Disorderly conduct in public places; removes provision relating to elementary secondary students.

5. Summary: The proposed legislation makes specified provisions regarding disorderly conduct in public places inapplicable to any student in grades kindergarten through eight.

6. Budget Amendment Necessary: Indeterminate.

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

8. Fiscal Implications: Currently, a person is guilty of disorderly conduct if, with the intent to cause public inconveniences, annoyance, or alarm, recklessly creating a risk. The proposed legislation provides that the provisions of subsection does not apply to any student in grades kindergarten through eighth if the disorderly conduct occurred on the property of any elementary or secondary school, on a school bus, or at any activity conducted or sponsored by an elementary or secondary school.

Currently, violation of any provision of this section is a Class 1 misdemeanor. 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. However, there is not enough information available to reliably estimate the increase in jail population as a result of this proposal. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs 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.

9. Specific Agency or Political Subdivisions Affected: Law enforcement agencies, local school districts, Department of Juvenile Justice, Courts, and local jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.