

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** SB453

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

**2. Patron:** Boysko

**3. Committee:** Judiciary

**4. Title:** Assault and battery; persons diagnosed with autism spectrum disorder, intellectual disability.

**5. Summary:** The proposed legislation provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability, or mental illness and the violation was caused by or had a direct and substantial relationship to the person's disorder or disability is guilty of a Class 1 misdemeanor and shall not be subject to mandatory minimum punishment. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** The Virginia Sentencing Commission does not have any information on the number of people convicted of those offenses who had been diagnosed with autism or an intellectual disability.

The proposed legislation exempts certain persons, as specified, from serving a mandatory minimum sentence when charged with committing specified forms of assault and battery, and makes such persons guilty of a Class 1 misdemeanor instead. 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, Commonwealth's Attorneys, Courts, and local jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.