

**Department of Planning and Budget  
2025 General Assembly Session  
State Fiscal Impact Statement**

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**ORIGINAL**

**Bill Number:** HB1852    **Patron:** Arnold  
**Bill Title:** Definition of "family or household member."

**Bill Summary:** Clarifies that, for the purposes of the definition of "family or household member," an individual does not have to currently be or previously have been in a romantic, dating, or sexual relationship with another person for such individual to be considered a family or household member of such other person if such individual cohabits or, within the previous 12 months, cohabited with such other person and any children of either of them then residing in the same home with such other person.

**Budget Amendment Necessary:** Yes    **Items Impacted:** Item 390  
**Explanation:** See below

**Fiscal Summary:**

Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

**General Fund Expenditure Impact:**

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
<b>TOTAL</b>		<b>\$50,000</b>				

**Fiscal Analysis:**

This proposal expands the definition of "family or household member" in § 16.1-228, for the purposes of definitions relating to Juvenile and Domestic Relations courts and multiple criminal and procedural statutes, to clarify that an individual does not have to currently be or previously have been in a romantic, dating, or sexual relationship with another person for the individual to be considered a family or household member if such individual cohabits or, within the previous 12 months, cohabited with the other person and any children of either of them then residing in the same home. The definition of "family or household member" in § 16.1-228 applies to all of Chapter 11 of Title 16.1 (Juvenile and Domestic Relations Courts), which includes violations of protective orders issued pursuant to §§ 16.1-253.1, 16.1-253.4, and 16.1-279.1. The definition in § 16.1-228 is specifically referenced in § 18.2-46.3(B) (recruitment of persons for a criminal street gang), § 18.2-57.2 (assault and battery against a family or household member), § 18.2-60.3 (stalking), and § 19.2-81.3 (arrest without a warrant in certain cases). As such, the proposal would expand the applicability of existing felonies and misdemeanors.

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The number of additional people who could possibly be convicted of a felony or misdemeanor resulting from this proposal cannot be determined. Any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail and \$15.00 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 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

**Other:** None