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

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**Bill Number:** SB1398 **Patron:** Peake **Bill Title:** Assault and battery; campus police officers; penalty.

**Bill Summary:** Adds campus police officers to the definition of law-enforcement officer for the crime of assault or assault and battery on a law-enforcement officer.

Budget Amendment Necessary: Yes Items Impacted: Item 390

**Explanation:** See below

### **Fiscal Summary:**

Proposal requires "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>	FY2025	<u>FY2026</u>	FY2027	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$438,034				
TOTAL		\$438,034				

#### **Fiscal Analysis:**

This proposal amends § 18.2-57 to make assault or assault and battery of a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 subject to the same penalties that apply when the victim is a law enforcement officer, correctional officer, firefighter, emergency medical services provider, magistrate, or judge. Specifically, the proposal expands the definition of a law enforcement officer in § 18.2-57(G) to include campus police officers. With this change, the punishment for assaulting a campus police officer would increase from a Class 1 misdemeanor to a Class 6 felony and require a six-month mandatory minimum term of confinement. This proposal also expands the applicability of § 18.2-57.01 (pointing a laser at law enforcement, a Class 2 misdemeanor) and § 18.2-57.02 (disarming a law enforcement officer, a Class 6 felony if it involves the officer's firearm or stun weapon or a Class 1 misdemeanor if it involves the officer's chemical irritant or impact weapon).

Anyone convicted of a Class 6 felony is subject 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. 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. Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail and a fine

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of not more than \$1,000, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

Virginia Criminal Sentencing Commission (VCSC) estimates the impact of this proposal to be at least eight additional prison beds statewide by FY2031. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$438,034.

The proposal may also increase the need for local-responsible (jail) beds, specifically for felony offenders given a sentence of 12 months or less. The impact on jail beds is estimated to be at least five beds by FY2031 (state costs: at least \$94,489; local costs: at least \$145,503). It is anticipated the state jail costs can be absorbed within existing resources.

Other: None