

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

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ORIGINAL

Bill Number: HB2263

Patron: Kent

Bill Title: Violations of protective orders; preliminary child protective order; penalties.

Bill Summary: Changes the punishment and sentencing requirements for a violation of a preliminary child protective order to the same penalties as violations of preliminary, emergency, and permanent family abuse protective orders, including enhanced penalties for certain violations. Under current law, (i) the maximum penalty for violations of child protective orders constitutes contempt of court; however, if the violation involves an act or acts of commission or omission that endanger the child's life or health, or results in bodily injury to the child, it is punishable as a Class 1 misdemeanor and (ii) the court is not required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order.

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				
TOTAL		\$50,000				

Fiscal Analysis:

The proposal changes the punishment and sentencing requirements for violations of preliminary child protective orders issued under § 16.1-253. Under current law, the maximum penalty for violations of child protective orders issued under § 16.1-253 is a charge for contempt of court; however, if the violation involves an act that endangers the child's life or health, or results in bodily injury to the child, it is punishable as a Class 1 misdemeanor. In such cases, the court is not required to enter a permanent family abuse protective order (i.e., a protective order with a maximum duration of two years) upon a conviction of a violation of a preliminary child protective order.

Under the proposal, violations of preliminary protective orders issued under § 16.1-253 would be punishable in the same manner as violations of preliminary, emergency, and permanent family abuse protective orders

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issued under other sections of Title 16.1. The proposal returns these sections to the language in effect prior to July 1, 2021.

Per § 16.1-253.2, many violations of family abuse protective orders are punishable as Class 1 misdemeanors. However, if an individual is convicted of a second offense of violating a protective order within five years of the prior conviction when either offense was based on an act or threat of violence, a mandatory minimum term of confinement of 60 days applies. Any person convicted of a third or subsequent offense of violating a protective order within 20 years (with at least one involving an act or threat of violence) is guilty of a Class 6 felony and must serve a mandatory minimum term of six months. Finally, it is a Class 6 felony if the respondent 1) violates the protective order while knowingly armed with a firearm or other deadly weapon, 2) commits an assault and battery upon any protected party resulting in bodily injury or stalks any protected party, or 3) furtively enters the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives. If the protective order violation does not meet any of the criteria for punishment as a felony or misdemeanor, it is punishable as contempt of court.

This proposal potentially expands the applicability of existing Class 1 misdemeanor and Class 6 felony offenses. 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 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.

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 \$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