



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

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Under the proposal, violations of preliminary protective orders issued under § 16.1-253 and § 16.1-16.1278.2(C) would be punishable in the same manner as violations of preliminary, emergency, and permanent family abuse protective orders issued under other sections of Title 16.1. In essence, 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.

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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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