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

PUBLISHED: 3/10/2025 9:42 AM ORIGINAL

Bill Number: HB2123ER Patron: Maldonado

Bill Title: Protective orders; maximum time valid.

Bill Summary: The bill extends the maximum length of time a protective order in cases of family abuse is valid from two years to four years if the court finds, based upon evidence presented, that the respondent has been subject to a previous order issued within 10 years pursuant to this section. It also clarifies that the maximum length of time for which a court may issue an extension of such order is two years, regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years.

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

Fiscal Analysis:

This proposal authorizes longer durations of protective orders in cases of family abuse, extending the time period during which a person subject to a protective order may violate conditions of the order. As such, the proposal potentially expands the applicability of existing misdemeanor and felony offenses. 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

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(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: Woodrum funding (\$50,000) for this bill is included in the Conference Report budget.