

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** HB1404S1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Cole

3. **Committee:** Senate Committee for Courts of Justice

4. **Title:** Fire alarms; malicious activation in any building, penalty.

5. **Summary:** Removes the provision that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a fire alarm to apply. The Class 1 misdemeanor will apply to all buildings. The bill also permits a locality to pursue civil action up to \$2,500 against any person convicted of a violation under §18.2-212.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary (see Item #8)

8. **Fiscal Implications:** According to the State Fire Marshal Office (SFMO) of the Virginia Department of Fire Programs (VD FP), the proposed legislative changes are not expected to have a material fiscal impact on agency operations.

Because the proposed legislation makes it applicable to all buildings, it could increase the number of individuals who might be convicted of Class 1 misdemeanor. A person convicted of Class 1 misdemeanor could get up to 12 months in jail, a fine of up to \$2,500 or both. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. 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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

9. **Specific Agency or Political Subdivisions Affected:** VD FP, and local emergency departments, Courts, Local and Regional Jail, Compensation Board.

10. **Technical Amendment Necessary:** No

11. Other Comments: None