

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 1033

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

2. Patron: Byron

3. Committee: Passed both houses

4. Title: Infanticide

5. Summary:

The proposed legislation provides that, for the purposes of the criminal homicide statutes, whether the umbilical cord has been cut or the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence.

6. Fiscal Impact Estimates: Final. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$50,000	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

7. Budget Amendment Necessary: Yes. Item 380. *The budget bill, HB 30, as passed by the General Assembly does not have an appropriation for this bill, as required by §30-19.1:4 of the Code of Virginia.*

8. Fiscal Implications:

Because the proposed legislation would make a woman who kills her new-born baby before the umbilical cord and placenta have been detached subject to homicide charges and it is generally believed that the current state of Virginia law does not do this, the proposed legislation could result in additional persons being housed in Virginia prisons.

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 781 of the 2009 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary:

The language in the second enactment clause is incomplete and is not the standard language used for bills of this type. It is recommended that lines 12 through 18 be stricken and the following language be inserted:

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the Acts of Assembly of 2009 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

11. Other Comments: Identical to SB 602.

Date: 3/30/2010 dpb