



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 256

PRINTERS NO. 4054

PRIME SPONSOR: Metzgar

### COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	See Fiscal Impact	

### SUMMARY:

House Bill 256 amends Title 18 (Crimes and Offenses) concerning assaults by prisoners and institutional sexual assault. It would take effect in 60 days.

### ANALYSIS:

House Bill 256 makes it a second-degree felony for a prisoner in any penal institution in the Commonwealth to assault a detention facility or correctional facility employee with a deadly weapon or instrument or by any means or force likely to produce bodily injury. The assault is a first-degree felony if it is likely to produce serious bodily injury.

The section concerning institutional sexual assault is amended to include a person being supervised under probation or parole supervision as a potential victim of institutional sexual assault. In addition, it adds that a person who is a peace officer or employee of any agency employing a peace officer in an official capacity commits a felony of the third degree when the person engages in sexual intercourse, deviate sexual intercourse or indecent contact with another person who is under official detention or in the custody of the person or is a confidential informant of the person. It also states that obtaining consent to these activities is not a defense.

### FISCAL IMPACT:

The Department of Corrections (DOC) estimates the fiscal impact of this legislation would be minimal. The number of additional inmates or inmates held longer in State Correctional Institutions due to passage of this bill would be relatively small and not have a material impact on the DOC inmate population or budget.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** July 7, 2020

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*