

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** HB2259

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron:** Cordoza

3. **Committee:** Courts of Justice

4. **Title:** Paternity; genetic tests to determine parentage; relief from paternity; certain actions; penalty.

5. **Summary:** Provides that any person who knowingly gives any false information or makes any false statements for the purpose of determining paternity is guilty of a Class 6 felony. The bill further requires that an alleged father of a child be informed of his option to request the administering of a scientifically reliable genetic test prior to being entered as the father on a birth certificate. The bill provides that, if a scientifically reliable genetic test performed establishes the exclusion of the individual named as a father, such individual may submit the results of such test to the State Registrar of Vital Records and request the issuance of a new birth record and certificate. Under current law, an individual must file a petition for relief from paternity with the court. The bill further states that, in addition to any other available legal relief, an individual relieved of paternity who previously paid support pursuant to a child support order entered in conjunction with the set-aside paternity determination may file an action against the other party for repayment of any such support. The provisions of the bill apply to birth certificates issued and child support orders entered before, on, and after July 1, 2023.

6. **Budget Amendment Necessary:** Yes, item 404.

7. **Fiscal Impact Estimates:**

7a. **Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2024	\$50,000		01000

8. **Fiscal Implications:** By creating a new Class 6 felony the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender 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. 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 \$4.00 a day for each misdemeanor 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 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

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, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

According to the Department of Juvenile Justice (DJJ), the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined, and DJJ also reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

In addition, the proposed legislation may increase the number of child support cases that require repayment. The potential fiscal impact on the Virginia Department of Social Services cannot be determined at this time.

The total fiscal impact this would have on the Virginia Department of Health cannot be determined. Since the cost of paternity tests varies depending on the type of paternity test conducted and the entity that conducts the test, it is unknown which entity will perform the test or which type of test will be conducted. However, any anticipated impact can be handled within existing resources.

9. Specific Agency or Political Subdivisions Affected: The Department of Corrections, the Department of Juvenile Justice, Local and regional jails, Courts, Commonwealth Attorneys, the Department of Social Services, and the Virginia Department of Health.

10. Technical Amendment Necessary: No.

11. Other Comments: None.