

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB928

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

2. **Patron:** Kent

3. **Committee:** Courts of Justice

4. **Title:** Interference with commercial fishing vessel; penalties.

5. **Summary:** Provides that a person who approaches a commercial fishing vessel without the consent of the owner or person in charge of such vessel with the intent to coerce, intimidate, or harass the captain or crew of such vessel or interfere with the operations of such vessel is guilty of a Class 1 misdemeanor. The bill makes it a Class 6 felony to communicate to another person by any means any threat to (i) kill or do bodily injury to a person or persons engaged in the activity of commercial fishing on the waters of the Commonwealth or (ii) bomb, burn, destroy, or in any manner damage any commercial fishing vessel, and increases this penalty to a Class 5 felony if such threat places the captain or crew in reasonable apprehension of death or bodily injury. The bill makes it a Class 6 felony to intentionally or recklessly damage, injure, tamper with, deface, or destroy a commercial fishing vessel or any associated gear. Finally, the bill deems a person to be ineligible for any hunting or fishing license for a certain period of time if such person is found guilty of an offense set out in the bill.

6. **Budget Amendment Necessary:** Yes, Item 390.

7. **Fiscal Impact Estimates:** Preliminary, see Item 8.

8. **Fiscal Implications:** According to the Department of Wildlife Resources (DWR), the agency would be able to absorb any fiscal impact as a result of lost revenue due to the license ineligibility clause within the provisions of the proposal. However, there is not enough available information to reliably estimate the potential revenue loss as a result of the bill. Additionally, any costs associated with adding an additional violation to monitor when considering license eligibility and revocations would not result in any substantial new costs and can be absorbed with existing resources.

According to the Marine Resources Commission (MRC), the potential impact of the proposal is indeterminate at this time. The Department of State Police (VSP) does not anticipate any fiscal impact as a result of this proposal.

The proposal creates a new Class 6 and Class 5 felony offense related to interference with commercial fishing vessels. Under the provisions of the proposal, any person who makes any threat to any persons engaged in commercial fishing in the waters of the Commonwealth can

be charged with a Class 6 felony. Anyone convicted of a Class 6 felony is subject 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.

The provisions of the proposal elevate the charge to a Class 5 felony if such threat places the captain or crew in reasonable apprehension of death or bodily injury. Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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. Additionally, the proposal creates a new Class 1 misdemeanor for any individual who comes within 50 feet of a commercial fishing vessel without the consent of the owner or person in charge of such vessel with the intent to coerce, intimidate, or harass.

According to the Virginia Criminal Sentencing Commission (VCSC), there is not enough information available to reliably estimate the increase in jail or prison population as a result of this proposal. 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 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

9. Specific Agency or Political Subdivisions Affected: Department of Wildlife Resources, Marine Resources Commission, state and local law enforcement agencies, Department of corrections, Commonwealth's Attorneys, Office of the Public Defenders, local and regional jails, Courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.