

Department of Planning and Budget 2001 Fiscal Impact Statement

1. Bill Number HB2387

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Clement

3. Committee

4. Title Computer Information Transactions Act; consumer protection.

5. **Summary/Purpose:** Makes several amendments to the Uniform Computer Information Transactions Act (UCITA) and the Virginia Consumer Protection Act (VCPA). The bill amends UCITA's references to other laws (including references to the VCPA), administrative rules, regulations, and procedures. The bill amends the VCPA's definition of "goods" to include "computer information" and "informational rights" as defined in UCITA, and excludes from the VCPA's fees and disclosures requirement, any transaction involving an Internet or similar electronic website.

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

7. **Budget amendment necessary:** No.

8. **Fiscal implications:** The Department of Planning and Budget expects the fiscal impact of this legislation to be negligible. However, the legislation does make definition changes to broaden the scope of the VCPA. Therefore, by a technical reading of the language, an increased opportunity for penalties under the VCPA exists. While most of the related penalties are civil, under Section 59.1-201.E., the VCPA allows for a Class 2 misdemeanor under certain circumstances. For someone convicted of a Class 2 misdemeanor, a judge has the option of sentencing him to time in jail. There is not enough information available to reliably estimate how many additional prisoners in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant held in a jail and \$14.00 a day for each state responsible inmate. It also funds most 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, the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 1999.

9. **Specific agency or political subdivisions affected:** Department of Agriculture and Consumer Services.

10. **Technical amendment necessary:** No.

11. **Other comments:** None.

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cc: Secretary of Commerce and Trade
Secretary of Technology

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