

Department of Planning and Budget

2002 Fiscal Impact Statement

1. Bill Number HB244

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

2. Patron Drake

3. Committee Senate Court of Justice

4. Title Common nuisances

5. Summary/Purpose:

Designates as a common nuisance any building or vehicle frequented by persons engaged in, or soliciting for, prostitution. Makes it a Class 1 misdemeanor for any owner, lessor, or manager to knowingly permit or establish such a common nuisance and fail to take reasonable action to remedy the problem. A second or subsequent offense would be a Class 6 felony.

The bill also has provisions for civil actions against such common nuisances.

6. Fiscal Impact: See Item No. 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

A Class 1 misdemeanor has a possible sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

Although increases in the number of prisoners in jail resulting from this legislation cannot be determined with any reasonable degree of accuracy, any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or other local responsible prisoner held in a jail and \$14.00 a day for each state responsible inmate held beyond 60 days. 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 \$30.94 per inmate, per day in FY 2000.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to Sec. 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.

9. Specific agency or political subdivisions affected: Department of Corrections, counties, cities, and towns.

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 02/27/02rwh

Document: G:\LEGIS\Fis-02\HB244.DOC DickHall - Sizemore
cc:SecretaryofPublicSafety