

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number SB1153

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

2. Patron Stolle

3. Committee House Court of Justice

4. Title Child Pornography Images Registry

5. Summary/Purpose:

The proposed bill would require the Office of the Attorney General and the Department of State Police to establish and maintain a Child Pornography Registry, to be located in the Department of State Police. The registry would include images of sexually explicit material used as evidence and used in any conviction for possession of child pornography. The purpose of the registry would be to assist law enforcement officers in investigating child pornography. It would assist in identifying victims and authorities could use images in the registry to compare with images obtained in ongoing investigations.

Under current law, possession of sexually explicit visual material depicting a person less than 18 years old is a Class 1 misdemeanor. A second or subsequent offense is a Class 6 felony. The proposed bill would increase those offenses to a Class 6 felony and a Class 5 felony, respectively.

6. Fiscal Impact Estimates are: Tentative

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2003-04	260,000	1.0	General
2004-05	94,000	1.0	General

7. Budget amendment necessary: Yes. Item 491.

8. Fiscal implications:

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bedspace cannot be determined. However, the median sentences for this offense have been in the lower area of the possible range — the median sentence for the misdemeanor offense was 30 days and only two offenders received the maximum sentence of one year. For the felony offense, there were only five persons convicted in the past two years and only two received a state-responsible sentence, one year. The proposed legislation increases the penalties, but the sentence ranges overlap those in the current law. If

judges are currently not sentencing at the upper end of a sentence range, it is not expected that they will increase their sentences because the upper end of the range has been increased. Therefore, the impact of the bill on prison bed space is expected to be negligible.

To implement the legislation, the Department of State Police will need to purchase additional computer equipment and software, which will be one-time costs, and hire an additional person, an on-going cost, to maintain and support the program. The FY2005 on-going costs consist of the additional position, software maintenance fees, and project management.

9. Specific agency or political subdivisions affected:

Office of the Attorney General
Department of State Police

10. Technical amendment necessary: None.

10. Other comments:

It is not clear what role the Office of the Attorney General has in the development and maintenance of the registry. This bill is identical to HB2457.

Date: 02/10/03/rwh

Document: G:\LEGIS\Fis-03\Sb1153.DOC Dick Hall - Sizemore
cc: Secretary of Public Safety