

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number SB 575**

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

**2. Patron** Obenshain

**3. Committee** Passed both houses

**4. Title** Use of the Internet; registration as sex offender

**5. Summary/Purpose:**

Under current law, it is a Class 5 felony for anyone over age 18 to use computer networks or network bulletin boards to solicit someone less than 18 years old for any of several sex offenses. Two of those offenses are taking indecent liberties with children and receiving money to encourage or entice a minor to perform in a sexually explicit video. The proposed legislation would lower, from over 18 years old to 18 years old and over, the age to which the statute would apply. On the other hand, it would slightly narrow the offenses to which the statute would be applicable by removing the reference to receiving money to entice a minor to perform in a sexually explicit video.

The proposed legislation would also add to the Sex Offender Registry list the offense of using computer networks to solicit a minor for any activity related to “taking indecent liberties with children.” Persons convicted of offenses covered by this list are required to register as sex offenders. Failure to register is a Class 6 felony.

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

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

The proposed legislation could have an impact on local and state correctional bed space in two ways. First, the lowering of the age of persons covered by the statute prohibiting persons from using computer networks or bulletin boards to solicit minors for sexual activity could result in additional persons convicted and incarcerated. However, due to insufficient information in available databases, the Virginia Criminal Sentencing Commission has concluded that the impact, if any, cannot be determined. Second, by expanding the definition of who is required to register as a sex offender, the proposed legislation also expands the number of persons potentially subject to committing a Class 6 felony for failing to register. However, it is not feasible to project how many people in this new category may violate the requirement.

**9. Specific agency or political subdivisions affected:**

Department of Corrections  
Department of State Police  
Local and regional jails

**10. Technical amendment necessary:** None.

**11. Other comments:** Identical to HB 759.

**Date:** 04/01/04 / rwh

**Document:** G:\LEGIS\Fis-04\SB575ER.Doc Dick Hall-Sizemore

cc: Secretary of Finance