

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB 1871

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

2. Patron McDougle

3. Committee House Courts of Justice

4. Title Computer crimes

5. Summary/Purpose:

Currently, invasion of privacy through the use of a computer by reviewing a person's employment or financial information without authorization is a Class 1 misdemeanor. The proposed legislation would make the offense a Class 6 felony if the offender (i) had been convicted previously of the offense, (ii) sells or distributes the information to another person, or (iii) uses the information in the commission of another crime.

Furthermore, the bill would make it a Class 6 felony to use a computer to fraudulently obtain, access or record certain personal "identifying information," as defined by law. Selling or using such information in the commission of a crime would be a Class 5 felony.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

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. A Class 5 felony carries a sentence of up to one year in jail, or 1 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates 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 misdemeanor or otherwise local responsible prisoner held in a jail. 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's most recent Jail Cost Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

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) bed space cannot be determined. However, it is expected that the impact will be negligible

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 01/18/05 / rwh

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