

## Department of Planning and Budget 2005 Fiscal Impact Statement

**1. Bill Number** HB 2059

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

**2. Patron** Byron

**3. Committee** Passed both houses

**4. Title** Unlawful use of payment card scanning devices

**5. Summary/Purpose:**

The enrolled legislation would make it a Class 1 misdemeanor to use a scanning device or re-encoder on the payment card of another person with malicious intent and without the permission of that person. It would be Class 6 felony to take such action and sell or distribute information thus obtained or to use, in the commission of another crime, the information so obtained.

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

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

**8. Fiscal implications:**

Anyone convicted of a Class 1 misdemeanor is subject to a 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 legislation 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 legislation. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty 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'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.

The Virginia Criminal Sentencing Commission was unable to determine the impact of this legislation on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a

criminal act, and data on such activity does not exist. Consequently, the number of individuals who could be affected by the legislation is unknown.

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

Department of Corrections  
Local and regional jails

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

**11. Other comments:** None.

**Date:** 03/04/05 / rwh

**Document:** G:\LEGIS\Fis-05\HB2059ER.Doc Dick Hall-Sizemore