

Department of Planning and Budget

2005 Fiscal Impact Statement

1. Bill Number HB2471

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|------------------------|---------------------------------------|-------------------------------------|--|
| 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 May

3. Committee Passed both Houses

4. Title Virginia Computer Crimes Act; penalties.

5. Summary/Purpose:

Updates the Virginia Computer Crimes Act to include recommendations made by the 2004 joint study on Computer Crimes by the Joint Commission on Technology and Science and Virginia State Crime Commission. The bill modernizes definitions to comport with changing technology. The bill adds unauthorized installation of software on the computer of another, disruption of another computer's ability to share or transfer information, and maliciously obtaining computer information without authority as additional crimes of computer trespass, a Class 1 misdemeanor and provides the fraudulently gathering of such information as a Class 6 felony, a new crime and punishes transferring the information to another or use of the information as a Class 5 felony. Lastly, the bill reduces the threshold for property damage resulting from trespass to \$1,000.

6. Fiscal Impact: See item 8.

7. Budget amendment necessary: No

8. Fiscal implications:

The bill lowers the threshold for certain offenses to classify as a Class 1 misdemeanor offense and lowers the threshold for other offenses to classify as a Class 6 felony offense. The bill also creates new Class 5 and Class 6 felony offenses. For a Class 1 misdemeanor, the offender can be sentenced to up to 12 months in jail. For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or one to ten years in prison. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or one to five 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 misdemeanant 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 estimated, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible adult (prison) bed space cannot be determined, but that juvenile bed space has \$0 impact.

9. Specific agency or political subdivisions affected: Department of Corrections; Local and regional jails.

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/14/05 / wfb

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cc: Secretary of Public Safety