

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB2631

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 Bell

3. Committee Courts of Justice

4. Title Computer crimes; penalties.

5. Summary/Purpose:

Modernizes the Virginia Computer Crimes Act by updating definitions to comport with changing technology, removing superfluous language and relocating language. The bill also redefines computer invasion of privacy involving the unauthorized gathering of identifying information and punishes subsequent offenses, transferring the information to another or use of the information another crime as a Class 6 felony. Currently, the offense is punishable only as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and punishes transferring the information to another or use of the information another crime as a Class 5 felony.

6. Fiscal Impact: Indeterminate

7. Budget amendment necessary: No

8. Fiscal implications:

The bill raises a Class 1 misdemeanor offense to a Class 6 felony offense. It also creates new 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 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 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 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.

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

10. Technical amendment necessary: No

11. Other comments: None

Date: 01/18/05 / wfb

Document: G:\Bos Stuff\2005 Legislation\Hb2631.Doc Billy Barbee

cc: Secretary of Public Safety