

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number HB 2836

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 Sherwood

3. Committee Passed both houses

4. Title Sex offender registration

5. Summary/Purpose:

Under current law, persons convicted of certain specified offenses must register with the Sex Offender and Crimes Against Minors Registry (SOR). Failure to register is a Class 6 felony if the offender had been convicted of a sexually violent offense; for other listed offenses, failure to register is a Class 1 misdemeanor.

The enrolled bill expands the list of offenses for which conviction would require registration to include the following:

1. Murder of a minor;
2. Sexual battery, in which the perpetrator was 18 years old or older and the victim was less than six years old;
3. Any offense for which registration in a similar registry is required under the laws of the political subdivision in which the offender was convicted.

In addition the bill would require nonresident offenders entering the Commonwealth for an extended visit of 30 days or more to register with the SOR, if they have been convicted of any of the offenses on the list. Currently, nonresidents have to register only if they enter the Commonwealth for employment, to carry on a vocation, or to attend school.

Finally, the bill would explicitly authorize local law-enforcement officers to enforce the sex offender registry provisions.

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 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, \$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 proposal 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 proposal is unknown.

The Department of State Police is responsible for maintaining the SOR. The agency is adequately staffed to handle any increase in registrations that might result from the enrolled bill.

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: None.

Date: 03/16/05 / rwh

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