

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB 1147

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 Obenshain

3. Committee Passed both houses

4. Title Gathering personal information by deception

5. Summary/Purpose:

The enrolled bill would make it a Class 6 felony for anyone, other than a law-enforcement officer, to use a computer to obtain, access, or record, through the use of trickery or deception, identifying information, specified in another section of the Code, about another person ("phishing"). If such information were sold or distributed, or used in the commission of another crime, the offense would be a Class 5 felony.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The enrolled bill creates additional Class 5 and 6 felony offenses. 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. For a Class 5 felony, the maximum sentence is 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, \$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.

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: None.

11. Other comments:

The provisions of this bill are identical to provisions included in SB 1163, also enrolled.
The latter bill is broader in scope, however.

Date: 03/15/05 / rwh

Document: G:\LEGIS\Fis-05\SB1147ER.Doc Dick Hall-Sizemore