

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number: SB 1170

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: Stolle

3. Committee: Passed both houses

4. Title: Taking indecent liberties with children

5. Summary/Purpose:

Current law lists several sexually-related actions for which it is a Class 5 felony for anyone 18 years or older to commit against a child under the age of 14. A subsequent offense would be a Class 4 felony. The enrolled bill would expand the applicability of the statute to cover children under the age of 15.

6. Fiscal impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Because the enrolled bill expands the definition of actions constituting the taking of indecent liberties with a child, which are subject to a sentence of up to a year in jail or 1 to 10 years in prison for the first offense (the penalty structure for a Class 5 felony) or 2 to 10 years in prison for a subsequent offense (Class 4), the enrolled bill could result in additional persons being incarcerated in 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: None.

Date: 03/16/05 / rwh

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