

## Department of Planning and Budget 2006 Fiscal Impact Statement

**1. Bill Number** HB 1518

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron** Delegate Albo

**3. Committee** Passed Both Houses

**4. Title** Fraudulent procurement of telephone records; penalty.

**5. Summary/Purpose:**

This bill creates a Class 1 misdemeanor resulting from fraudulent procurement, sale, or receipt of telephone records. This misdemeanor involves:

- Knowingly procuring, attempting to procure, soliciting, or conspiring with another to procure a telephone record by fraudulent means;
- Knowingly selling, or attempting to sell, a telephone record without authorization; or
- Receiving a telephone record knowing that it was obtained by fraudulent means.

This bill provides exceptions whereby a telecommunications carrier can obtain, use, disclose, or permit access to telephone records when:

- It is done in compliance with the law;
- It has received the consent of the customer;
- Doing so is deemed necessary to protect the rights of either the provider or the customer from fraudulent, abusive, or unlawful use;
- A perceived emergency situation exists and disclosing such information to a governmental entity is done so with the expectation of preventing death or serious physical injury; or
- It is done to the National Center for Missing and Exploited Children.

This bill also provides the venue criteria for the trial of individuals charged with this misdemeanor.

**6. Fiscal Impact Estimates are:** Final (see Item 8)

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** Insufficient information is available to reliably estimate how many violations could result from this legislation. However, any fines collected under these provisions would be deposited to the Literary Fund.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine not exceeding \$2,500. In those cases involving Class 1 misdemeanors where incarceration is imposed, any increase in the 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 the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (FY 2004), the estimated total state support for local jails averaged \$26.03 per inmate, per day in FY 2004.

**9. Specific agency or political subdivisions affected:** N/A

**10. Technical amendment necessary:** N/A

**11. Other comments:** None.

**Date:** 03/15/06 / sas

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