

CORRECTED

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number HB 2344

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Bell

3. Committee Passed both houses

4. Title Restrictions on movement of convicted sex offenders

5. Summary/Purpose:

Currently, it is a Class 6 felony for persons convicted of certain sex offenses to loiter within 100 feet of a school, to reside within 500 feet of a school or day care center, or to work or volunteer at any school or day care center. The proposed legislation would expand these restrictions to make it a Class 6 felony for anyone convicted of a sexually violent offense to enter during school hours the property of any elementary or secondary school or day care center, except under the following conditions:

1. He is a registered voter and is coming on the property solely to vote;
2. He is enrolled at the school; or
3. He has obtained a court order allowing him to enter the school or day care center property.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

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 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

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.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: The enrolled bill is identical to SB 927, also enrolled.

Date: 03/03/2007 / rwh

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