

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB 2353

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Cosgrove

3. Committee Passed both houses

4. Title Computer trespass

5. Summary/Purpose:

Currently, computer trespass is a Class 1 misdemeanor if the offense results in property damage of less than \$1,000 and a Class 6 felony if the property damage is \$1,000 or more.

The enrolled bill would expand the definition of computer trespass to include:

- the installation of spyware without authorization; and
- the installation of any software designed to disable or take control of another person's computer.

Furthermore, the enrolled bill would make the installation of software on more than five computers in violation of the statute a Class 6 felony. Also, the installation of any spyware on the computer of another would be a Class 6 felony.

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 misdemeanant 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.

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: 03/03/2007 / rwh

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