

## Department of Planning and Budget 2007 Fiscal Impact Statement

**1. Bill Number** SB1071

<b>House of Origin</b>	<input checked="" 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 type="checkbox"/> Enrolled

**2. Patron** McDougale

**3. Committee** Courts of Justice

**4. Title** Sex offender registration; child pornography; penalties.

**5. Summary/Purpose:** Requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within three days of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that a person depicted or who presents the appearance of being less than 18 years of age in a sexually explicit manner is prima facie presumed to be less than 18 years of age. The bill repeals § 18.2-374.1:2 but inserts similar language in § 18.2-374.1:1 relating to facilitating payment for or access to child pornography.

**6. Fiscal Impact Estimates are:** PRELIMINARY; See Item 8.

**7. Budget amendment necessary:** Yes; Item 386 and Item 413.

**8. Fiscal implications:** According to the Virginia Criminal Sentencing Commission, the proposed legislation will have an impact on state-responsible (prison) bed space due to increasing statutory penalty ranges and adding mandatory minimum penalties. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$1,322,375 for periods of imprisonment in state adult correctional facilities. The Commission also estimates up to a one bed reduction each year in local-responsible bed space due to prison sentences being served instead of jail terms.

Another requirement in the proposal pertains to sex offenders registering changes in email addresses, instant messages, or other identity information within three days of such information changing. At this time the Department of State Police believes that six positions are required with \$433,600 in FY08 and \$313,000 in FY09 to implement these requirements. Included in the first year costs is \$111,000 for system modifications.

**9. Specific agency or political subdivisions affected:** State and local law enforcement agencies, Department of Corrections and State Compensation Board.

**10. Technical amendment necessary:** No.

**11. Other comments:** Identical to HB2749.

**Date:** 01/17/07 / jgc

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cc: Secretary of Public Safety