

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number SB1071

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 McDougle

3. Committee Passed both Houses

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 reregister any changes in email addresses, instant message, or other identity information within thirty minutes 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.

6. Fiscal Impact Estimates are: FINAL; See Item 8.

7. Budget amendment necessary: Yes; Item 387 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 \$1,238,469 for periods of imprisonment in state adult correctional facilities. The Commission also estimates up to a one bed reduction 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 thirty minutes 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.

The conference committee did not provide the required funding pursuant to §30-19.1:4. Also, the committee did not provide the needed funding identified by the Department of State Police for this legislation.

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

10. Technical amendment necessary: Yes. The following enactment clause should be added to the legislation.

4. That the provisions of this act shall not become effective until July 1, 2008, contingent upon an appropriation of general fund dollars effectuating the purposes of this act by the 2008 Session of the General Assembly.

11. Other comments: Identical to HB2749.

Date: 03/13/07 / jgc

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cc: Secretary of Public Safety