

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number HB 223

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Cosgrove

3. Committee Passed both houses

4. Title Offense prohibiting proximity to children

5. Summary/Purpose:

Under current law, offenders convicted of specified sex offenses are forever prohibited from loitering within 100 feet of a school or a child day program. A violation of the prohibition is a Class 6 felony.

The proposed legislation would expand the provision by prohibiting such offender forever from going, for the purpose of having any contact with children not in his custody, within 100 feet of public playground, athletic field or facility, or gymnasium.

6. Fiscal Impact: Indeterminate. See Item 8.

7. Budget amendment necessary: No.

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 (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

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: No.

11. Other comments: None.

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