

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number:** SB3

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:** Puller

**3. Committee:** Courts of Justice

**4. Title:** Indecent exposure; penalty.

**5. Summary:** Provides that any person who (i) intentionally makes an obscene display or exposure of his person, or the private parts thereof, in (a) any public place, or (b) any place where others may see him, intending to be seen by others, or (ii) procures another to so expose himself, is guilty of a Class 1 misdemeanor (a fine up to \$2,500 and/or up to 12 months in jail). The section previously provided that such person was guilty of indecent exposure if the display was done in any public place or in any place where others are present, and did not include the requirement that he intended the display or exposure to be seen by others.

**6. Fiscal Impact Estimates:** PRELIMINARY.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increased need for prison and jail beds. 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. 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 FY2006 Jail Cost Report (November 1, 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

As noted by the Virginia Criminal Sentencing Commission, the proposal expands the number of misdemeanor offenses that get elevated to Class 6 felony (up to 12 months in jail or one to five years in prison) for a third conviction within ten years. Therefore, the proposal could impact the need for prison beds. According to the Virginia Criminal Sentencing Commission, the estimated amount of necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and the Department of Juvenile Justice does not expect increases in bed space needs for either juvenile correctional centers (JCC) or juvenile detention facilities.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails, law enforcement agencies statewide, State Compensation Board, Department of Corrections.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** Identical to HB491.

**Date:** 1/17/2008 dpb/jgc

**Document:** G:\2008\EFIS\Posted\SB3.DOC

cc: Secretary of Administration  
Secretary of Public Safety