

# Department of Planning and Budget

## 2010 Fiscal Impact Statement

**1. Bill Number: HB 1198**

House of Origin	<u>X</u>	Introduced	___	Substitute	___	Engrossed
Second House	___	In Committee	___	Substitute	___	Enrolled

**2. Patron: Iaquinto**

**3. Committee: House Courts of Justice**

**4. Title: Sex offender registration**

**5. Summary:**

The proposed legislation makes the follownig changes to the current law requiring sex offenders to register with the Department of State Police:

- Clarifies the requirement for registration of offenders in cases in which registration is not otherwise required in Virginia but where registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted. Language is also added to require registration in Virginia if the offender was initially required to register in a jurisdiction but adjudication was withheld by the court.
- Provides that the age, helplessness, or incapacity may, but need not be, alleged in the charging instrument or conviction order for offenses under the statute that require registration based on the victim's age, physical helplessness, or mental incapacity.
- Requires the Department of Corrections or Community Supervision to physically verify the registration information within 30 days of original registration (and semiannually each year thereafter) and within 30 days of a change of address of all sex offenders committed to the Department of Behavioral Health and Developmental Services who are under community supervision.
- Provides that sex offenders civilly committed to the Department of Behavioral Health and Developmental Services shall not be required to reregister until released from custody.
- Requires the Department of Behavioral Health and Developmental Services to give notice of sex offender registry requirements to persons for whom registration is required prior to their release or discharge. In addition, the Department would be required to obtain from such persons all necessary registration information and forward such information to the Department of State Police on the date of the discharge or release.
- Requires the sheriff, jail superintendent, or other jail administrator, as well as the Department of Corrections and the Department of Behavioral and Developmental Services to notify State Police

within 12 hours of discovering the escape of any prisoner or civilly committed person for whom registration with the sex offender is required.

**6. Fiscal Impact Estimates:**

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$50,000	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

**7. Budget Amendment Necessary:** Yes. Item 380

**8. Fiscal Implications:**

Most of the provisions of the proposed legislation are technical and would not have a fiscal impact. However, expanding the definition of who is required to register with the sex offender registry to include persons initially required to register regardless of whether adjudication was withheld could result in more persons housed in jails and state prisons. The change could result in additional offenders being registered as sex offenders, which, in turn, could result in additional violations of sex offender registry provisions.

Depending on the circumstances, violation of the sex offender registry requirements can range from a Class 1 misdemeanor to a Class 5 felony. The potential sentences for these offenses are:

- Class 1 misdemeanor—up to 12 months in jail.
- Class 6 felony—up to 12 months in jail, or 1-5 years in prison.
- Class 5 felony—up to 12 months in jail, or 1-10 years in 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 presently pays the localities \$8.00 a day for each misdemeanor 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 Jail Cost Report (November 2009), the estimated total state support for local jails averaged \$32.66 per inmate, per day in FY 2008.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, 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. In such cases, Chapter 781 of the 2009 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Department of Behavioral and Developmental Services  
Department of State Police  
Local and regional jails

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

Date: 2/12/2010 dpb  
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