

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB741-ER

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: Cleaveland

3. Committee: Passed Both Houses

4. Title: Use of profane, threatening, or indecent language over public airways or by computer or text.

5. Summary: Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person by sending an email or text message over a telephone is guilty of a Class 1 misdemeanor. The bill also clarifies that “over any telephone” includes electronically transmitted messages. Current law punishes such behavior when *using* a telephone or citizens band radio.

6. Fiscal Impact Estimates: Final.

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 increase in the jail population since the legislation defines “over the telephone” to include text messaging. This clarification could result in more Class 1 misdemeanor outcomes that could result in sentences of up to 12 months in jail (and \$2,500 fine). Any increase in jail population will increase costs to the state. The Commonwealth presently 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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

9. Specific Agency or Political Subdivisions Affected: State and local law enforcement agencies, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 3/22/2010 dpb

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