

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: SB1426

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Deeds

3. Committee: Senate Committee for Courts of Justice

4. Title: Child pornography; civil action.

5. Summary: Creates a civil cause of action for victims of child pornography that entitles them to recover compensatory damages together with the costs of litigation. Punitive damages may also be awarded if an award of compensatory damages is made. Such actions are subject to a two-year limitations period from the later of the conclusion of a related criminal case or the notification of the victim by a member of a law-enforcement agency of the offense. The bill also provides for an additional \$100 fee to be assessed upon conviction for a violation of § 18.2-374.1 (production, etc., or child pornography) or 18.2-374.1:1 (possession, etc., of child pornography).

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8)

8. Fiscal Implications: This legislation would allow for a civil cause of action against an individual who engages in conduct that is prohibited under §18.2-374.1 or 18.2-374.1:1, whether or not the individual has been charged or convicted for the alleged violations. While this legislation may cause additional civil actions in the courts, it is not known how many additional trials would occur because of this legislation. This legislation also adds \$100 to the court costs for convictions of §18.2-374.1 and §18.2-374.1:1. In 2010, there were 731 convictions for these two offenses. If the number of convictions remains the same, \$73,100 in additional court costs would be assessed as a result of this bill. However, not all the court costs or fines assessed are paid and the rate of payment for felony convictions is considerably lower than for traffic infractions or misdemeanors. If, for example, one quarter of the amount assessed for this court cost is collected, the revenue impact of this bill would be \$18,275.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: January 28, 2011

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