

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: HB 964**

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: Bell, Robert B.**

**3. Committee: Passed both houses**

**4. Title: Grooming video**

**5. Summary:**

The proposed bill would make it a Class 6 felony for any person 18 years old or older to display child pornography or a grooming video or materials to a child under 13 years old with the intent to entice, solicit, or encourage the child to engage in any of several specified sexual acts. The bill defines “grooming video” as a cartoon, animation, or series of images depicting a child engaged in any of several specified sexual acts.

**6. Budget Amendment Necessary: See Item 8.**

**7. Fiscal Impact Estimates: Final.**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

**8. Fiscal Implications:**

The legislation creates a new Class 6 felony, for which the penalty for conviction can be a sentence of up to 12 months in jail or one to five 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 \$4.00 a day for each

misdemeanant or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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 2011), the estimated total state support for local jails averaged \$29.98 per inmate, per day in FY 2010.

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 890 of the 2011 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

The budget as originally approved by the House included an appropriation for the fiscal impact of this bill, but the recommendations made by the Senate Finance Committee did not. The newly introduced House Bill 1301, as passed by the House, includes an appropriation for the fiscal impact of this bill.

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

Department of Corrections  
Local and regional jails

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

**11. Other Comments:** None.

**Date:** 3/8/2012

**Document:** G:\LEGIS\fis-12\hb964er.doc Dick Hall-Sizemore