

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** SB486-S1

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
<b>Second House</b>	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Newman

**3. Committee:** House committee not yet assigned.

**4. Title:** Harassment by computer by prisoners; penalty.

**5. Summary:** Makes it a Class 1 misdemeanor for a prisoner or a person acting on behalf of a prisoner to use a computer, computer network, or social networking site to harass, intimidate, or threaten a crime victim.

**6. Budget Amendment Necessary:** Yes. Item 389.

**7. Fiscal Impact Estimates:** Preliminary; See item 8 below.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2013	\$50,000	0	General Fund

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to this legislation, the legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). 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. 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 FY2010 Jail Cost Report (November 1, 2011), the estimated total state support for local and regional jails averaged \$29.98 per state inmate, per day in FY 2010.

In addition, the Department of Corrections states that prisoners incarcerated in a state correctional facility that are found guilty of a Class 1 misdemeanor during their incarceration period and are ordered by the court to serve the Class 1 misdemeanor sentence consecutively with their existing felony sentence, would serve the additional misdemeanor time in a state correctional facility (increasing state responsible bed space needs). Until the Virginia Criminal Sentencing Commission completes a fiscal impact on this proposal, it is assumed that insufficient data exists to determine the fiscal impact due to this legislation. As such, per Item 49 of Chapter 890, 2011 Acts of Assembly, a minimum fiscal impact of \$50,000 is required to be appropriated to the Department of Corrections.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails.

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

**11. Other Comments:** Similar to HB 916.

**Date:** February 3, 2012

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