



JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION
Fiscal Impact Review
2014 Session

Bill Number: HB 1251

Review Requested By: Chairman Albo

JLARC Staff Fiscal Estimates

HB 1251 modifies Virginia Code [§ 9.1-903](#) by requiring that any person required to register with the Sex Offender and Crimes Against Minors Registry (Registry) must reregister with their local law enforcement agency within three days of any name change. JLARC staff agrees with the Department of Planning and Budget (DPB) and Virginia Criminal Sentencing Commission (VCSC) fiscal impact statements that an accurate estimate of the fiscal impact of HB 1251 cannot be determined. However, JLARC staff agree that there likely will be a fiscal impact from HB 1251 for the following reasons:

- the bill places a new three-day time limit to reregister following a name change, compared to the current requirement of either 90 days or one year, depending on the individual's offense;
- if individuals don't meet this requirement, they can be charged with a Registry violation,
- in FY2012 and FY2013 combined, there were 539 felony convictions where a Registry violation was the primary, or most serious, offense;
- of these 539 cases, 21.5% of them resulted in a State responsible prison sentence with a median sentence length of 18 months; and
- DPB calculates that the cost to the State for each prison bed for one year is \$30,006.

In the absence of more precise data, the estimate of \$50,000 in general funds appears reasonable. However, it should be noted that this impact will likely not occur until the second year following passage of the bill because of the time it takes to identify, prosecute, and sentence an individual. Therefore this impact will likely not occur until FY2016. An explanation of the JLARC staff review is included on the following pages.

Authorized for Release:

Hal E. Greer
Director

Bill Summary: HB 1251 modifies Virginia Code [§ 9.1-903](#) by requiring that any person required to register with the Registry must reregister with their local law enforcement agency within three days of any name change. The existing law requires reregistration for any name change but does not specify how quickly the reregistration must occur. The bill also requires that the Registry must include any former name of persons who have changed their name.

Discussion of Fiscal Implications: DPB and VCSC provided fiscal impact statements which stated that the cost of the bill could not be determined based on available data. Therefore, Chapter 806 of the 2013 Acts of Assembly requires that a minimum impact of \$50,000 be applied to the bill. JLARC staff agrees with DPB and VCSC that an accurate estimate of the fiscal impact of HB 1251 cannot be determined, but that there likely will be a fiscal impact from HB 1251.

Under the current law in Virginia Code [§ 9.1-903](#), there is no required timeframe for reregistration after a name change and, therefore, it is only a Registry violation if an individual fails to report their name change at their next required reregistration. Reregistration is required every 90 days for individuals convicted of sexually violent offenses or murder and every year for all other individuals in the Registry. While data are not available to estimate how often individuals will miss the three day requirement, VCSC and the Virginia State Police (VSP) agree that it is likely that individuals will not meet the new, more stringent requirement, resulting in additional Registry violations.

Based on the assumption that additional Registry violations will occur, historical data indicate that there will be a fiscal impact to the State as a result of these violations. Based on data from Virginia District and Circuit Courts, in FY2012 and FY2013 combined there were 879 convictions where a Registry violation was the primary offense. This includes violations for failure to reregister every 90 days or within one year, following a change of address, following a change in employment, and other similar offenses. These data also indicate that almost 70% of these convictions resulted in State or local responsible incarceration for which the State provides some or all of the cost. According to DPB, it costs the State \$30,006 per bed, per year for a State responsible inmate. The State also provides funding to local responsible jails, resulting in an incremental cost to the State for local responsible sentences. The table on page 3 shows the various types of convictions and sentences over the last two years, and the estimated associated cost to the State for those sentences.

While it is not possible to determine a more accurate estimate for the fiscal impact of HB 1251, it is likely that there will be additional Registry violations resulting in an incremental cost to the State. As shown in the table on page 3, one violation of the new requirement resulting in a felony conviction could cost the State approximately \$30,000 per year. Therefore, the estimate of \$50,000 (GF) per year appears reasonable. It should be noted that this estimated cost would likely not occur until the second year following enactment of the bill. According to VCSC, it typically takes nine to ten months to fully prosecute a felony case. This means that the State will likely not incur additional inmate costs until FY2016.

Budget Amendment Necessary: Yes

Agencies Affected. Department of Corrections

Date Released, Prepared By: 1/31/14; Jeff Lunardi

Convictions and Sentencing for Registry Violations as the Primary Offense (FY2012-FY2013)			
	Number of Cases	Median Sentence Length (months)	Estimated Annual Cost to State per Inmate
Felony – State Responsible Prison^a	116	18	\$30,006
Felony – Local Responsible Jail^b	303	6	\$5,121
Misdemeanor – Local Responsible Jail	188	2	\$1,707
Felony or Misdemeanor – No Additional Incarceration	272	N/A	N/A

^a The cost for State responsible prison sentences is calculated using a DPB cost figure of \$30,006 per year, per bed in State responsible prisons. Applying this to the entire median prison term of 18 months would result in a total cost of \$45,009.

^b The cost for local responsible jail sentences is calculated using data from the Commonwealth of Virginia Compensation Board's FY2012 Jail Cost Report. These data indicate a State share of the per day cost of local responsible jail beds of \$28.04 for an annual cost of \$10,242. This equates to a monthly cost to the State of \$853, which JLARC staff applied to the median sentence length to arrive at a total cost to the State.