

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB 235

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

2. Patron: Bell, Robert B.

3. Committee: Reported from Appropriations

4. Title: Solicitation of prostitution from minor

5. Summary:

Under current law, anyone convicted of any enumerated sex-related offense must register with the Sex Offender and Crimes Against Minors Registry (registry), which is maintained by the Department of State Police. Each person registered is required to re-register annually. He is also required to re-register whenever there is a change in any of the following: address, place of employment, owned motor vehicle, or e-mail address. Persons convicted of sexually violent crimes or of violating registration procedures must re-register more frequently. Penalties for violating registration procedures range from a Class 1 misdemeanor to a Class 5 felony, depending on the frequency of violation and whether the offender is defined as sexually violent. The Department of Corrections is responsible for verifying registration information for person under its supervision; the Department of State Police is responsible for verifying the registration information for all other registered offenders.

The proposed legislation would add to the list of persons required to register any person convicted of soliciting prostitution from a minor or taking, or causing to be taken, a minor into a bawdy place or any place for the purpose of prostitution or unlawful sexual intercourse.

Furthermore, the proposed legislation would make taking a minor into, or causing a minor to enter, a bawdy or any place for the purpose of prostitution or unlawful sexual intercourse a Class 4 felony.

6. Budget Amendment Necessary: Yes. Item 385.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$50,000	General
2016	\$0	
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	

8. Fiscal Implications:

Expanding the list of offenses for which registration with the Sex Offenders and Crimes Against Minors Registry increases the number of persons who may violate one of its registration provisions, thereby increasing the number of persons who may be guilty of a Class 1 misdemeanor or Class 6 felony. The proposed legislation also creates a new Class 4 felony.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. For conviction of a Class 4 felony, the sentence is 2 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or 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 misdemeanor 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 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

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 806 of the 2013 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Because the Department of Corrections and the Department of State Police have the responsibility of verifying the information of persons on the registry, an increase in the number of persons required to register could have an impact on their respective workloads.

However, because one of the offenses for which registration would be required by the proposed legislation was created only last year by the General Assembly and the other one is included in the proposed legislation, any effect on the departments' workload as a result of the proposed legislation cannot be determined now.

9. Specific Agency or Political Subdivisions Affected:

Department of State Police
Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/11/2014

Document: G:\LEGIS\fis-14\hb235h1.docx Dick Hall-Sizemore