

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB326

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input 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: Courts of Justice

4. Title: Unlawful dissemination or sale of images of another.

5. Summary: Provides that a person is guilty of a Class 1 misdemeanor if he, with the intent to coerce, harass, or intimidate the depicted person, maliciously disseminates or sells any videotape, photograph, film, or other videographic or still image or reproduction thereof that depicts another person who is totally nude, in a state of undress, or engaged in sexual conduct where such person knows or has reason to know that he is not licensed or authorized to do so. If the depicted person is under the age of 18, the penalty is a Class 6 felony.

6. Budget Amendment Necessary: Yes; Item 385.

7. Fiscal Impact Estimates:

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014			
2015	\$50,000	0	0100
2016			
2017			
2018			
2019			
2020			

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the proposal could increase the state-responsible (prison) bed space needs, increase local-responsible (jail) bed space needs, increase the need for state and local community corrections resources, and could cause an increase of commitments to juvenile correctional centers. However, in each instance the Commission also noted that the impact of the proposal could not be determined.

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. Therefore, since this proposal creates a new Class 6 felony offense, this proposal could result in an increase in the number of persons sentenced to jail or prison. Similarly, the proposal creates a new Class 1 misdemeanor offense. 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.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, State Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: January 28, 2014

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