

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB2223-H1

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

2. Patron: Morris

3. Committee: Courts of Justice

4. Title: Virginia Freedom of Information Act; willful and knowing violations a misdemeanor; penalty.

5. Summary: Provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to this proposal, the proposal will have a fiscal impact since convictions under the expanded definition stalking result in a Class 1 misdemeanor, which could result with up to a 12 month jail sentence (and up to a \$2,500 fine). Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 prisoner. It also funds a significant 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 FY2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY 2013.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.