

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB 2385

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Gilbert

3. Committee: Passed both houses

4. Title: Wireless telecommunications device in juvenile correctional facility

5. Summary:

Under current law, it is a Class 6 felony both for anyone to provide a cellular telephone to someone incarcerated in a juvenile correctional center and for someone incarcerated in a juvenile correctional center to possess a cellular telephone. The proposed legislation would expand the prohibitions to include any other wireless telecommunication device.

6. Budget Amendment Necessary: Yes. Item 385. The General Assembly provided funding for the fiscal impact of the proposed legislation in the budget bill it has passed.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2016	\$50,000	General
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	
2021	\$0	

8. Fiscal Implications:

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, 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. 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 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 2014), the estimated total state support for local jails averaged \$30.54 per inmate, per day in FY 2013.

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 3 of the 2014 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Department of Juvenile Justice
Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 3/6/2015

Document: G:\LEGIS\fis-15\hb2385er.docx Dick Hall-Sizemore