

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 1056

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

2. Patron: Howell

3. Committee: Appropriations

4. Title: Child pornography

5. Summary:

Under current law it is an offense for anyone, with lascivious intent, to distribute child pornography, or attempt to get anyone to provide child pornography in order to gain entry into a group engaged in sharing or trading child pornography. Anyone convicted of a first offense is subject to a sentence of 5 to 20 years in prison. For a second offense, the penalty is 5 to 20 years in prison, with a five-year mandatory minimum.

The proposed legislation would eliminate the condition that the offense be committed with “lascivious intent,” but stipulate that the action be “knowingly” committed in order for a person to be guilty of distributing child pornography.

6. Budget Amendment Necessary: Yes. Item 385. The Senate has included funding for the fiscal impact of this legislation in its proposed amendments to the budget bill.

7. Fiscal Impact Estimates: Preliminary. 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:

By no longer requiring that the distribution of child pornography be committed with lascivious intent, the proposed legislation expands the applicability of the statute and, thus, may result in additional persons sentenced to prison.

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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/18/2015

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