

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number:** SB 1416

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Marsden

**3. Committee:** Courts of Justice

**4. Title:** Imposes penalties for trespassing on railroad property and for failure to post required signage.

**5. Summary:** Provides that a person who goes upon a railroad trestle or railroad bridge or within a railroad tunnel or railway yard without the consent of the railroad company is guilty of a Class 2 misdemeanor. The bill also requires railroad companies to post signs in conspicuous locations at railway yards and tunnels and certain railroad bridges and trestles stating the penalties for trespassing on railroad property, and imposes a \$100 fine upon companies who do not comply with this provision.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Indeterminate. See item 8.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 2 misdemeanor outcomes result in sentences of up to 6 months in jail (and a fine up to \$1,000). 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. 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.

There is also a potential fiscal impact resulting from the provision that imposes a fine upon railroad companies that fail to post signs. There is insufficient data to estimate the magnitude of this impact.

**9. Specific Agency or Political Subdivisions Affected:** State Corporation Commission, local and regional jails, law enforcement agencies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.