

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: HB 177**

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

**2. Patron: Albo**

**3. Committee: Passed House**

**4. Title: Sex offender registration**

**5. Summary:**

Under current law, offenders convicted of specific sex-related offenses are required to register with the state's Sex Offender and Crimes Against Minors Registry (Registry). Some offenses for which registration is required are categorized as "sexually violent offenses." There are requirements for re-registration upon certain changes in the offender's life, such as change of residence. The first Registry violation by an offender who is not defined as sexually violent is a Class 1 misdemeanor; a second or subsequent Registry violation is a Class 6 felony. For a sexually violent offender, the first Registry violation is a Class 6 felony; a second or subsequent violation is a Class 5 felony.

The proposed legislation would require persons convicted of the following offenses after July 1, 2016, to register on the Registry: (i) malicious wounding and aggravated malicious wounding, if the perpetrator was 18 years old or older and the victim was under 13 years old; (ii) pandering a minor; or (iii) receiving money from the earnings of a prostitute who is a minor. These offenses would not be classified as sexually violent offenses for purposes of the Registry.

**6. Budget Amendment Necessary: Yes. Item 394.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8 below.**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	\$50,000	General
2018	\$0	
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	

## **8. Fiscal Implications:**

Expanding the list of crimes for which individuals must register may result in additional convictions for violations of Registry provisions. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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.

According to the Virginia Criminal Sentencing Commission, not enough information is 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. It also funds the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (November 2015), the estimated total state support for local jails averaged \$32.24 per inmate, per day in FY 2014.

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 665 of the 2015 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  
Compensation Board  
Local and regional jails.

## **10. Technical Amendment Necessary:** None.

## **11. Other Comments:** None.

**Date:** 2/16/2016

**Document:** G:\LEGIS\fis-16\hb177h1.docx Dick Hall-Sizemore