

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB61

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input 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:** General Laws

**4. Title:** Virginia Freedom of Information Act; misdemeanor violations, penalty.

**5. Summary:** Currently, any officer or employee of a public body who knowingly violates the Virginia Freedom of Information Act (FOIA) is subject to a civil penalty. The proposal provides that 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:** Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per person basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2015), the estimated total state support for local jails averaged \$32.34 per inmate, per day in FY 2014.

**9. Specific Agency or Political Subdivisions Affected:** Courts, local and regional jails, Compensation Board, magistrates, state and local elected officials, state agencies, and any other entity supported by public funds.

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

**11. Other Comments:** None.

**Date:** 1/28/2016- HB61.docx(NCS)