

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 1485-S1

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

2. Patron: Bell, Richard P.

3. Committee: Reported from committee

4. Title: Proximity to children

5. Summary:

Current law prohibits persons convicted of designated sex crimes from (i) loitering within 100 feet of a school or a child day program, (ii) going, for the purpose of having contact with children who are not in his custody, within 100 feet of a public playground, athletic field or facility, or gymnasium, (iii) working or volunteering on property of a school or child day care center, and (iv) residing within 500 feet of a school, day care center, or a public park that is adjacent to a school and is used regularly for school activities. Violation of any the provision is a Class 6 felony.

The proposed legislation would expand the offense to include persons convicted of any offense under the law of any other jurisdiction that is substantially similar to the offenses listed in the Commonwealth's statutes. The prohibition on residing within 500 feet of a school, etc. would apply only to residences established on and after July 1, 2017.

6. Budget Amendment Necessary: Yes. Item 394. The House amendments to the budget bill include funds for the fiscal impact of this legislation.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2018	\$50,000	General
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$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 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

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 780 of the 2016 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
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: The legislation has an enacting clause that provides that it shall become effective only if there is an appropriation for the fiscal impact.

Date: 2/15/2017