

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** HB1815-S1

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

2. **Patron:** Yancey

3. **Committee:** Finance

4. **Title:** Computer trespass; government computers and computers used for public utilities; penalty.

5. **Summary:** Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer affected is one that is exclusively for the use of, or used by or for, the Commonwealth, a local government within the Commonwealth, or certain public utilities.

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

7. **Fiscal Impact Estimates:**

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	\$0	
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: No.

11. Other Comments: The Senate substitute version of this bill modifies language in the bill to state that in order to be guilty of violating this section, a person must violate this section of law “for the purposes of affecting a computer.” Previous versions used the term “while targeting a computer.” This change is not expected to change the fiscal impact.

House Appropriations Committee amendment 428#1h directs \$50,000 of general fund appropriation in FY 2018 at the Innovation and Entrepreneurship Investment Authority to be used to pay for the fiscal impact of this bill.

Date: February 14, 2017
File: HB1815S1