

## Department of Planning and Budget

### 2017 Fiscal Impact Statement

**1. Bill Number:** SB1090

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:** Sturtevant

**3. Committee:** Finance

**4. Title:** Computer trespass; computer invasion of privacy, penalty, civil relief.

**5. Summary:** Makes it a Class 5 felony for a person to maliciously install or cause to be installed a computer program that takes control of or restricts access to another computer or computer network, or data therein, and demand money or anything else of value to remove the computer program; restore control of or access to the computer or computer network, or data therein; or remediate the impact of the computer program. The proposal also modifies § 18.2-152.5 to expand computer invasion of privacy to include acts in which a person, without authority, examines the medical information of another. Computer invasion of privacy is a Class 1 misdemeanor; however, if the offender sells or distributes the information of another, uses the information in the commission of another crime, or commits a second or subsequent offense under this provision, it is a Class 6 felony.

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

**7. Fiscal Impact Estimates:** Indeterminate. See below.

**8. Fiscal Implications:** By creating a new Class 5 felony offense related to computer trespass and expanding the applicability of computer invasion of privacy provisions, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. For Class 5 felonies, a judge may impose a term of imprisonment of not less than one year nor more than 10 years, or at the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded 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.

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.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, local and regional jails.

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

**11. Other Comments:** Identical to HB2288.