

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB 1377

House of Origin	<input type="checkbox"/>	Introduced	<input checked="" type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Engrossed
Second House	<input checked="" type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Mason

3. Committee: House Courts of Justice

4. Title: Computer trespass

5. Summary:

Under current law, computer trespass committed with malicious intent is a Class 1 misdemeanor. The action would be a Class 6 felony in the following circumstances: (i) the damage were valued at more than \$1,000, (ii) more than five computers were involved and (iii) software that records all or a majority of the keystrokes made on the computer of another were installed.

The proposed legislation would expand the misdemeanor offenses to include those that are not committed with malicious intent, but through intentionally deceptive means and without authority. The existing felony penalties would continue to apply in circumstances that involve malicious intent.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

Because the existing felony offenses would continue to apply only in limited circumstances, the proposed legislation is not expected to increase the need for prison needs. Pursuant to the provisions of § 30-19.1:4, Code of Virginia, the Virginia Criminal Sentencing Commission has estimated the necessary appropriation is \$0.

The proposed legislation does expand an existing Class 1 misdemeanor offense. 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 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: Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/13/2017