

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB290

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

2. Patron: Collins

3. Committee: Courts of Justice

4. Title: Obscene sexual display; third offense; penalty.

5. Summary: Adds engaging in an obscene sexual display, specifically, actual or explicitly simulated masturbation in a public place, to the list of misdemeanor sex offenses for which a third offense committed in a 10-year period is a Class 6 felony.

6. Budget Amendment Necessary: Yes. Item 391.

7. Fiscal Impact Estimates:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$253,880	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	
2025	\$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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$253,880. The amount is based on the projection that the legislation will result in the need for eight additional prison beds by FY2024. The Virginia Sentencing Commission also estimates a decreased need of less than one local jail bed in the future because some offenders may be sentenced to prison instead of sentenced to a local jail. This would marginally decrease the amount of jail per diems and jail operating costs paid by the state (as noted above). However, the exact impact cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local and Regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: None