

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB622 H1

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

**2. Patron:** Bell, Robert B.

**3. Committee:** Courts of Justice

**4. Title:** Sex offenses prohibiting entry onto school property; penalty.

**5. Summary:** The proposed legislation expands the list of prohibited persons to include any sex offender who is required to register due to a felony conviction when the victim of offense is a minor from (i) entering or being present at any public or private elementary or secondary school or child day center during school hours or during school-related or school-sponsored events, (ii) being on any school bus, and (iii) being on any public or private property when it is solely being used for a school-related or school-sponsored activity. Violation of the provision is punishable as a Class 6 felony.

**6. Budget Amendment Necessary:** Yes. Item 391.

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$50,000	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

misdemeanant 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.

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 836 of the 2017 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 substitute bill recognizes the Virginia Criminal Sentencing Commission's fiscal impact assessment.