

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB638 S1

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

2. Patron: Collins

3. Committee: Courts of Justice

4. Title: Trespass; electronic device; penalty.

5. Summary: The substitute bill prohibits anyone who is required to register with the Sex Offender and Crimes Against Minors Registry from using or operating an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person without that person's permission. In addition, the substitute bill prohibits any respondent of a protective order from using or operating an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any person listed on the protective order. Violation of these provisions is punishable as a Class 1 misdemeanor.

The bill expands the prohibition of regulating the use of privately owned, unmanned aircraft to all political subdivisions and not only to localities. The substitute bill allows the operation of an unmanned aircraft system for any lawful purpose, provided that the operation of such system is consistent with federal regulations.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: 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 a large 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.

9. Specific Agency or Political Subdivisions Affected: Local and Regional jails, Courts.

10. Technical Amendment Necessary: None

11. Other Comments: None