

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** SB49 H1

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:** Cosgrove

**3. Committee:** Courts of Justice

**4. Title:** Sex offenders in emergency shelters; notification registration.

**5. Summary:** Requires any registered sex offender who enters an emergency shelter, defined as any place or facility designated by the Commonwealth or any political subdivision that is being operated in response to a declared state or local emergency, to notify a member of the shelter's security staff of his presence as soon as practicable after entry. The substitute bill establishes that violation of this provision is punishable as a Class 1 misdemeanor.

The substitute bill allows the shelter's staff access to publicly-available information in the Sex Offender and Crimes Against Minors Registry (the Registry) regarding such person and to use this information to ensure the safety of all persons residing in the shelter. The substitute bill also requires the Department of State Police to provide a summary of the provisions of this legislation to anyone required to register with the Registry at the time of his initial registration.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** Currently, the Department of Social Services (VDSS), which is the lead agency for establishing and managing state shelters, follows protocols set in section 5.3 of the State Managed Shelter Plan when interacting with registered sex offenders. These procedures already require any individual who is listed in the Virginia Sex Offender and Crimes Against Minors Registry to notify the shelter management of his/her registry status upon entering a state managed shelter. The current protocols also allow VDSS to access the Virginia Sex Offender and Crimes Against Minors Registry and the National Registry for Sex Offenders to determine if an evacuee's name is a match in either Registry. According to VDSS, any impact this legislation may have on agency operations cannot be determined at this time.

According to the Department of State Police, the requirement to provide a summary of this legislation to first-time registrants in the Registry is not expected to impact agency operations.

The proposed legislation requires registered sex offenders to notify shelter staff of their presence in emergency shelters and establishes that violation of this requirement is punishable as a Class 1 misdemeanor. 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 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.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Social Services, Department of State Police, Localities, Local and Regional jails.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.