

## **Department of Planning and Budget**

### **2018 Fiscal Impact Statement**

**1. Bill Number:** SB526 S2

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

**2. Patron:** Obenshain

**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. In addition, the bill prohibits any respondent of a protective order in cases of family abuse (§ 16.1-279.1) or other protective order (§ 19.2-152.10) from using or operating an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or members of the petitioner's family. 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 include all political subdivisions and 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 as a result of improper use of unmanned aircraft as defined by this bill is subject to a sentence of up to 12 months in jail. As previously noted, there is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state at the same per-diem and per-inmate operational rates noted above, specifically \$4.00 per day for each misdemeanant or otherwise local responsible prisoner held in a jail and an average cost of \$34.58 per inmate, per day, according to the Compensation Board's most recent Jail Cost Report (November 2017).

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

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None