

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: SB 533 S1

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

2. Patron: Mason

3. Committee: House Courts of Justice

4. Title: Computer trespass

5. Summary:

Currently, most actions constituting computer trespass are Class 1 misdemeanors, if conducted with malicious intent. The following exceptions would be Class 6 felonies:

- Causing damage to property valued at \$1,000 or more;
- Installing software, on more than five computers, that cause them to malfunction;
- Installing software that records keystrokes made on someone else's computer; and
- Targeting any state or local government agency computer or those of any public utility.

The proposed legislation would expand the Class 1 misdemeanors to include not only those actions conducted with malicious intent, but also those conducted through intentionally deceptive means and without authority.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. By expanding misdemeanor computer trespass to include non-malicious, but unauthorized, acts, the legislation could result in additional persons being confined in jails. According to the Virginia Criminal Sentencing Commission, not enough information is 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 varies from locality to locality.

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.

The Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the legislation is not expected to increase the prison bed space needs of the Commonwealth.

9. Specific Agency or Political Subdivisions Affected:

Compensation Board
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.