

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** HB2088

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

2. **Patron:** Watts

3. **Committee:** Courts of Justice

4. **Title:** Additional offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act.

5. **Summary:** Adds a third or subsequent conviction of unlawful dissemination or sale of images of another to the list of offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act.

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

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2019	\$0		
2020	\$50,000	0	General
2021	\$0		
2022	\$0		
2023	\$0		
2024	\$0		
2025	\$0		

8. **Fiscal Implications:** The Department of State Police (VSP) is responsible for ensuring that registrants on the Sex Offender and Crimes Against Minors Registry comply with the requirements of the Registry. This includes notifying registrants of the need to renew, processing and tracking responses, and investigating potential violations. According to VSP, the provisions on this bill will require the Department to modify, reprint, and redistribute the Sex Offender Registry Form (SP236) to accommodate the addition of individuals with third or subsequent convictions of unlawful dissemination or sale of images of another. These modifications can be done through the current vendor at a one-time cost of approximately \$4,978.20. It is expected the agency can absorb this one-time cost.

This bill may have an impact on the number of people sentenced to jail or prison. Currently, any registrant who is not defined as a sexually violent offender who knowingly fails to register or re-register, or who knowingly provides materially false information to the

Registry is guilty a Class 1 misdemeanor. A second or subsequent conviction is a Class 6 felony. 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

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 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill. The impact on local correctional facilities and the Department of Juvenile Justice (DJJ) could not be determined.

- 9. Specific Agency or Political Subdivisions Affected:** Department of State Police,
Department of Corrections, Local correctional facilities, Department of Juvenile Justice

10. Technical Amendment Necessary: No.

11. Other Comments: None.