

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB2106

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: Morefield

3. Committee: House Committee on Science and Technology

4. Title: Expands existing prohibitions related to harassment conducted through digital and electronic means.

5. Summary: The proposed legislation provides that any person who, with the intent to coerce, intimidate, or harass any person, (i) engages in a continuing course of conduct of communication by electronic means or using a computer or computer network to make disparaging statements about such person's physical characteristics, sexuality, sexual activity, or mental or physical health or condition; (ii) creates a fake profile of such person on any Internet website or social media platform; (iii) pretends to be another person in any Internet chat room, electronic mail message, or instant electronic message; (iv) posts a real or altered image of such person on the Internet; or (v) accesses, alters, copies, or erases any content of a computer, computer network, or password protected account on any network or social media platform is guilty of a Class 1 misdemeanor. The bill also provides that if any person age 18 or older commits such offense involving a child victim, the penalty upon conviction shall include a mandatory minimum term of confinement of 10 days and a mandatory minimum fine of \$250. If any person age 18 or older has previously been convicted of such offense involving a child victim, a second or subsequent conviction involving a child victim shall include a mandatory minimum term of confinement of 30 days and a mandatory minimum fine of \$500.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The proposal expands existing statute related to harassment conducted through digital and electronic means and makes it a Class 1 misdemeanor with a mandatory minimum sentence of 10 days for any person age 18 or older found guilty for violations under these statutes with a mandatory minimum fine of \$250. If the person is age 18 or older and has previously been convicted of such an offense involving a child victim, a second or subsequent conviction involving a child victim shall include a mandatory minimum term of confinement of 30 days and a mandatory minimum fine of \$500. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposed legislation. 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

All revenues from fines is deposited into the Literary Fund, however, there is not sufficient information to estimate the revenue to be collected as a result of the legislation.

9. Specific Agency or Political Subdivisions Affected: Local jails; Local law enforcement; Courts.

10. Technical Amendment Necessary: No

11. Other Comments: None