

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** HB2299

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** McGuire

3. **Committee:** Courts of Justice

4. **Title:** Commercial sex trafficking, prostitution, etc.; penalties.

5. **Summary:** This bill increases existing penalties for certain prostitution and commercial sex trafficking offenses.

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

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

7a. Expenditure Impact:

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

8. **Fiscal Implications:** Currently, the penalty for: i) pandering; ii) receiving money or other valuables for procuring a person for the purpose of prostitution, forced labor, or child pornography; iii) receiving money or other valuables from the earnings of any male or female engaged in prostitution; or (iv) commercial sex trafficking through the use of force, intimidation, or deception is punishable as a Class 3 felony when a minor is involved. The proposed legislation increases the penalty to a Class 2 felony. Anyone convicted of a Class 2 felony under the proposed legislation would be subject to 20 years to life in prison.

The current penalty for these offenses when a minor is not involved is punishable as a Class 4 felony. The proposed legislation increases this penalty to a Class 3 felony. Anyone convicted of a Class 3 felony under the proposed legislation would be subject to five to 20 years in prison.

This proposal could result in an increase in the number of persons sentenced to prison. Due to insufficient 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.

Additionally, the proposal may also increase local jail bed space needs, but the magnitude of the impact cannot be determined. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor 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

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: None