

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2303

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: Leftwich

3. Committee: Courts of Justice

4. Title: Sex offenders in emergency shelters; notification registration.

5. Summary: Requires any registered sex offender, or one who is required to reregister, who enters an emergency shelter to notify a member of the shelter's security staff of his presence as soon as practicable after entry. This provision applies to any place or facility designated by the Commonwealth or any political subdivision that is being operated in response to a declared state or local emergency. Violation of this subsection is punishable as a Class 1 misdemeanor.

The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry (Registry) regarding such person and use such information to ensure the safety of all persons in the shelter.

The Department of State Police is required to provide a summary of the provisions of this act to any person required to register at the time of his initial registration.

6. Budget Amendment Necessary: No

8. Fiscal Implications: Currently, the Department of Social Services (VDSS), which is the lead agency for establishing and managing state shelters, follows protocols set in section 5.3 of the State Managed Shelter Plan when interacting with registered sex offenders. These procedures require any individual who is listed in the Virginia Sex Offender and Crimes Against Minors Registry to notify the shelter management of his/her registry status upon entering a state managed shelter. The current protocols also allow VDSS to access the Virginia Sex Offender and Crimes Against Minors Registry and the National Registry for Sex Offenders to determine if an evacuee's name is a match in either Registry. Shelter security staff who are made aware of any offenders in the shelters are required to maintain heightened observation. According to the VDSS, the provisions of this bill are similar to current protocol regarding sex offenders in the Commonwealth State Managed Shelter Plan and would have no financial impact on agency operations.

Under the proposed legislation, failure to notify shelter staff of one's Registry status is punishable as a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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. 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.

According to the Department of State Police, providing the required summary of the provisions of this bill is not expected to impact agency operations.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Social Services, Virginia Department of State Police, and Localities.

10. Technical Amendment Necessary: None

11. Other Comments: None