

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB253H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" 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:** Offenses requiring registration under the Sex Offender and Crimes Against Minors Registry Act.

5. **Summary:** Requires any individual convicted of a third or subsequent conviction of unlawful dissemination or sale of images of another (§ 18.2-386.2) to register with the Sex Offender and Crimes Against Minors Registry. Registration is required if the offense was committed on or after July 1, 2020.

6. **Budget Amendment Necessary:** Yes. Items 402 and 425.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$56,000	0	General
2022			
2023			
2024			
2025			
2026			

8. **Fiscal Implications:** The proposed legislation would require individuals with a third or subsequent conviction of § 18.2-386.2 (unlawful dissemination or sale of images of another) who commit such an offense on or after July 1, 2020 to register with the Sex Offender and Crimes Against Minors Registry. Such offenders would not be considered “sexually violent offenders,” as defined in the Code.

The Department of State Police (VSP) is responsible for administering the Sex Offender Registry, performing checks on registered offenders, and investigating potential violations. According to VSP, the provisions of this bill would require the agency to amend form SP-236, which registrants are required to complete upon registration. The cost to revise and reprint the form is a one-time expense of \$6,000.

Additionally, this bill could potentially result in additional inmates in jails or prisons. It is currently a Class 1 misdemeanor under § 18.2-472.1 for non-sexually violent registrants to provide false information to the registry, or to fail to provide necessary information. Second or subsequent violations of this section are punishable as a Class 6 felony.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

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 854, 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Any potential fiscal impact on the Department of Juvenile Justice is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Department of Corrections, Department of Juvenile Justice, Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.