

## **Department of Planning and Budget**

### **2023 Fiscal Impact Statement**

**1. Bill Number:** HB2024 ER

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☒ Enrolled

**2. Patron:** Leftwich

**3. Committee:** Passed both Houses

**4. Title:** Personal information of judges and magistrates; penalty.

**5. Summary:** Current law prohibits the use of a person's identity with the intent to coerce, intimidate, or harass, including publishing the person's name or photograph along with certain identifying information and identifying the person's primary residence address. Any person who violates this section knowing or having reason to know that person is a law-enforcement officer, as defined in § 9.1-101, is guilty of a Class 6 felony, six months of which must be a mandatory minimum term of confinement. This bill adds active or retired federal or Virginia justice, judge, or magistrate to this prohibition.

The enrolled bill prohibits the Commonwealth from publishing on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information. The written demand made pursuant to this subsection must be effective until the demand is rescinded in writing by such judge, justice, or magistrate. The bill also adds magistrates to the list of officials whose public voter registration records may contain a post office box in lieu of a residential street address.

**6. Budget Amendment Necessary:** Yes, Item 404.

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

**8. Fiscal Implications:** The Virginia Criminal Sentencing Commission reports that, according to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2017 through FY2022, there was one felony conviction under § 18.2-186.4 for using a law enforcement officer's identifying information to coerce, intimidate or harass. This violation was the only offense in the sentencing event, and the offender was given a state-responsible (prison) sentence of 3.5 years. However, the number of people that would be convicted under the expanded provisions of the proposal cannot be identified with available data.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not

more than 12 months and a fine of not more than \$2,500, either or both. 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 misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. 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 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

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, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

According to the Department of Elections, this bill is not expected to have a fiscal impact on agency operations. This bill is not expected to have a material impact on courts. Any fiscal impact the proposal may have on other state agencies is not known at this time.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, local and regional jails, local law enforcement agencies, Commonwealth Attorneys, Public Defenders offices, courts, Department of Elections

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None