

Department of Planning and Budget
2007 Fiscal Impact Statement

1. Bill Number SB1239

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron Obenshain

3. Committee Courts of Justice

4. Title Child pornography; seizure and forfeiture of equipment; bail.

5. Summary/Purpose: Provides that all equipment and other personal property used in connection with the possession, production, distribution, publication, or sale of child pornography shall be subject to seizure and forfeiture. This bill also provides a person charged with violating § 18.2-374.1 (crimes involving child pornography) or § 18.2-374.3 (use of communications system to procure minors for various sexual offenses involving children) is rebuttably presumed ineligible for bail when the offender has reason to believe that the solicited person is a child under 15 years of age and the offender is at least five years older than the solicited person.

6. Fiscal Impact Estimates are: PRELIMINARY; See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: Although insufficient data exists to determine the fiscal impact due to the proposal at this time, the proposal is expected to result in more jail time since bail restrictions are imposed. In addition, this additional time spent in jail awaiting trial could shorten the length of time spent in state correctional facilities due to time already served.

Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds most 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 (FY 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

9. Specific agency or political subdivisions affected: Local and regional jails statewide, Department of Corrections.

10. Technical amendment necessary: No.

11. Other comments: Identical to HB2980.

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cc: Secretary of Public Safety