

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** HB53

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:** Cole

**3. Committee:** Courts of Justice

**4. Title:** Human tracking devices; unlawful use is a Class 1 misdemeanor.

**5. Summary:** Provides that it is a Class 1 misdemeanor to cause a person to have an identification/tracking device or mark implanted or permanently or semi-permanently incorporated into or on his body, skin, teeth, hair, or nails without his informed written consent, or to use an implanted device to track him without his informed written consent.

**6. Fiscal Impact Estimates:** Preliminary; see Item 8 below.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increase in the jail population since a Class 1 misdemeanor can result in a sentence of up to 12 months in jail (and \$2,500 fine). Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant 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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, local law enforcement agencies, local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/18/2010 dpb/John Crooks

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