# Department of Planning and Budget
## 2011 Fiscal Impact Statement

1. **Bill Number:** HB2059

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   |---|---|---|---|---|---|
   | **House of Origin** | ☒ | Introduced | ☐ Substitute | ☐ | Engrossed |
   | **Second House** | ☐ | In Committee | ☐ Substitute | ☐ | Enrolled |

2. **Patron:** Bell, Robert B.

3. **Committee:** Science and Technology

4. **Title:** Use of profane, threatening, or indecent language over the telephone and other wireless devices.

5. **Summary:** Clarifies that the current statutory provision prohibiting the use of obscene, vulgar, or indecent language over the telephone applies to electronic communications, including visual or electronic messages, received or transmitted by a cellular phone or other wireless telecommunications device. This bill is a recommendation of the Joint Commission on Technology and Science.

6. **Budget Amendment Necessary**: No.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8.

8. **Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to this proposal, the proposal could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to $2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities $4.00 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 FY2009 Jail Cost Report (November 1, 2010), the estimated total state support for local and regional jails averaged $33.01 per state inmate, per day in FY 2009.

9. **Specific Agency or Political Subdivisions Affected:** Law enforcement statewide, local and regional jails.

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

11. **Other Comments:** None.

**Date:** 1/20/2011
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