

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB 1032

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

2. Patron: Reeves

3. Committee: Passed both houses

4. Title: Sex Offender Registry

5. Summary:

Under current law, persons convicted of designated offenses listed in Title 18.2 of the Code of Virginia are required to register as sex offenders. In the former title of the Code that sets out criminal offenses, Title 18.1, some of these offenses had different Code section numbers than they do now. As a consequence, persons previously convicted of sex offenses that had Code section numbers different from those that are now used are not required to register as sex offenders. The proposed legislation would expand the list of offenses requiring registration to include those comparable offenses that had different section numbers in the prior Title 18.1.

6. Budget Amendment Necessary: No. The appropriation for the projected fiscal impact of this legislation was included in the budget bill proposed by the Governor and both houses have included the funding in their respective budget bills.

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

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| | | |
| 2013 | | |
| 2014 | \$50,000 | General |
| 2015 | | |
| 2016 | | |
| 2017 | | |
| 2018 | | |

8. Fiscal Implications:

By expanding the category of persons who must register with the sex offender registry, the proposed legislation may result in additional convictions of registry provisions. The first violation of the sex offender registry provisions by someone required to register, but who is

not defined as sexually violent, is a Class 1 misdemeanor, which is punishable by a sentence of up to 12 months in jail. A second or subsequent violation is a Class 6 felony, punishable with a sentence of up to 12 months in jail or 1 to 5 years in prison. If the offender required to register is defined as sexually violent, the first violation of sex offender registry requirements is a Class 6 felony; a second or subsequent violation is a Class 5 felony. A Class 5 felony is punishable by a sentence of up to 12 months in jail or a sentence of 1 to 10 years in prison. Therefore, the legislation could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. 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 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

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 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Unless the offender is under the supervision of the probation and parole district offices of the Department of Corrections, the Department of State Police is required to verify the home and work addresses of persons who register with the sex offender registry within 30 days of the initial registration, semiannually thereafter, and within 30 days of any change of address. It is estimated that there are approximately 150 offenders currently housed in prison that would be affected by this legislation. However, it is not known how many non-incarcerated persons there are who would be affected by this legislation and whose registration information would have to be verified by the State Police. Therefore, it is not feasible to estimate the extent to which the legislation would affect the workload of the State Police.

9. Specific Agency or Political Subdivisions Affected:

Department of State Police
Department of Corrections
Local and regional jails
Compensation Board

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 1862.

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