

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB49

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Simon

3. Committee: Courts of Justice

4. Title: Unlawful dissemination or sale of images of another; person is guilty of Class 1 misdemeanor.

5. Summary: Provides that a person is guilty of a Class 1 misdemeanor if, with the intent to cause substantial emotional distress, disseminates or sells any videotape, photograph, film, or other video graphic or still image or reproduction thereof that depicts another person who is totally nude, in a state of undress, or engaged in sexual conduct where such person knows or has reason to know that the person is not licensed or privileged to do so and the person depicted suffers substantial emotional distress.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation 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 FY2012 Jail Cost Report (November 1, 2013), the estimated total state support for local and regional jails averaged \$30.06 per state inmate, per day in FY 2012.

9. Specific Agency or Political Subdivisions Affected: Law enforcement agencies statewide, local and regional jails, State Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: January 13, 2014

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