

## Department of Planning and Budget

### 2017 Fiscal Impact Statement

**1. Bill Number:** HB1602-H1

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

**2. Patron:** Fariss

**3. Committee:** House

**4. Title:** Trespass with an electronic device.

**5. Summary:** The proposed bill provides that for any person who, after being given notice to desist, knowingly and intentionally causes any electronic device to enter the property of another with the intent to coerce, intimidate, or harass any other person is guilty of a Class 3 misdemeanor. A second or subsequent conviction of a violation of this section is punishable as a Class 2 misdemeanor if such person was convicted of the prior offense before the date of the instant offense.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** This bill could increase the number of people convicted of a Class 3 misdemeanor, which is punishable with a fine of not more than \$500; such fines are deposited into the Commonwealth Literary Fund (Literary Fund). By increasing the number of convictions, there could be an increase in revenue to the Literary Fund. However, there is not sufficient data available to estimate the increase in revenue.

Anyone convicted of a Class 2 misdemeanor is subject to a sentence of confinement in jail for not more than six months and/or a fine of not more than \$1,000. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, 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 most recent Jail Cost Report (November 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

**9. Specific Agency or Political Subdivisions Affected:** None

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None