

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB922

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|------------------------|--|-------------------------------------|------------------------------------|
| 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: Mason

3. Committee: Committee Referral Pending

4. Title: Computer trespass; government computers and computers used for public utilities.

5. Summary: Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth of Virginia, a local government within the Commonwealth, or certain public utilities.

6. Budget Amendment Necessary: No. The Governor's introduced budget bill includes an appropriation for the projected fiscal impact of the proposed legislation.

7. Fiscal Impact Estimates: Preliminary, see item 8, below.

7a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2016 | \$0 | |
| 2017 | \$50,000 | General |
| 2018 | \$0 | |
| 2019 | \$0 | |
| 2020 | \$0 | |
| 2021 | \$0 | |
| 2022 | \$0 | |

8. Fiscal Implications: For someone convicted of a Class 6 felony, a judge has the option of sentencing that person up to one year in jail or one to five years in prison. Therefore, this proposal 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 or prison could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail or prison; however, any increase in the jail and prison populations 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 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 2015), the estimated total state support for local jails averaged \$32.24 per inmate per day in FY 2014.

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 665 of the 2015 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails

10. Technical Amendment Necessary: N/A

11. Other Comments: None.

Date: January 14, 2016
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