

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB 1560

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

2. Patron: Norment

3. Committee: Senate Courts of Justice

4. Title: Child pornography

5. Summary:

Under current law, possession of child pornography is a Class 6 felony, which is punishable by up to 12 months in jail or 1 to 5 years in prison. A second conviction of possession of child pornography is a Class 5 felony, punishable by up to 12 months in jail or 1 to 10 years in prison. The proposed legislation would make possession of child pornography that was produced by the offender punishable by a sentence of 5 to 20 years in prison, with a two-year mandatory minimum sentence.

Current law makes the first conviction of distribution of child pornography punishable by a sentence of 5 to 20 years in prison; a second conviction, with a sentence of 5 to 20 years in prison, with five years being a mandatory minimum sentence. The proposed legislation would make distribution of child pornography that one had produced punishable by a sentence of 5 to 20 years in prison, with a five-year mandatory minimum sentence. A second or subsequent conviction would be punishable with a sentence of 10 to 20 years in prison, with a ten-year mandatory minimum sentence.

Finally, the legislation provides that a violation of the provisions involving possessing or distributing child pornography that one has produced constitutes a separate and distinct offense and does not bar prosecution on the charge of production of child pornography.

6. Budget Amendment Necessary: Yes. Item 394.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2017	\$50,000	General
2018	\$0	

2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	

8. Fiscal Implications:

By establishing major felony offenses with mandatory minimum prison sentences, the proposed legislation could result in the need for additional prison bed-space in the future.

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 780 of the 2016 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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/30/2017