

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number:** HB1516

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

**2. Patron:** Watts

**3. Committee:** Courts of Justice

**4. Title:** Prostitution-related crimes; minors; penalties.

**5. Summary:** Under current law, the following crimes are punishable as Class 1 misdemeanors if a minor is involved: The proposed legislation increases the penalties for these offenses to Class 6 felonies. The bill also adds felony violations of these offenses to (a) the Sex Offender and Crimes Against Minors Registry, (b) the definition of violent felony for the purposes of the sentencing guidelines, (c) the list of predicate criminal acts for street gangs, (d) the list of offenses that may constitute racketeering under the Virginia Racketeer Influenced and Corrupt Organization Act, and (e) the offenses that may be investigated by a multi-jurisdiction grand jury.

**6. Budget Amendment Necessary:** Yes. Item 391.

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

**Expenditure Impact:**

<i><b>Fiscal Year</b></i>	<i><b>Dollars</b></i>	<i><b>Fund</b></i>
2019	\$50,000	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	
2025	\$0	

**8. Fiscal Implications:** The proposed legislation expands the applicability of several existing statutes including violations of Sex Offender Registry requirements, participation in gang-related activities, and racketeering under the Virginia RICO Act, all of which carry felony punishments. The expansion of these felony offenses may increase the number of persons sentenced to jail or prison. The bill also increases penalties for prostitution-related offenses,

when the crime involves a minor, for (i) keeping, residing in, or visiting a bawdy place; (ii) aiding prostitution; and (iii) using vehicles to promote prostitution from Class 1 misdemeanors to Class 6 felonies.

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 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 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 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 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, Courts.

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None