

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB638 H1

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

2. Patron: Collins

3. Committee: Courts of Justice

4. Title: Trespass; electronic device; penalty.

5. Summary: The substitute bill prohibits any person who, after being given notice to desist, from knowingly and intentionally causing any electronic device to enter the property of another and come within 50 feet of a dwelling house with the specific intent to coerce, intimidate, or harass any other person. Violation of this provision is punishable as a Class 1 misdemeanor.

The bill prohibits anyone who is required to register with the Sex Offender and Crimes Against Minors Registry from using or operating an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person. In addition, the substitute bill prohibits any respondent of a protective order from using or operating an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order or any individual named in the protective order. Violation of these provisions is punishable as a Class 1 misdemeanor.

The bill expands the prohibition of regulating the use of privately owned, unmanned aircraft to all political subdivisions.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 a large 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.

9. Specific Agency or Political Subdivisions Affected: Local and Regional jails, Courts.

10. Technical Amendment Necessary: None

11. Other Comments: None