

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB2170 H1

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

2. Patron: Brewer

3. Committee: Courts of Justice

4. Title: False caller identification information; penalty.

5. Summary: The substitute bill prohibits anyone with the intent to defraud, intimidate, or harass from causing a telephone to ring or engaging in conduct that results in the display of false caller identification information on the called party's telephone. A first violation of this provision is punishable as a Class 3 misdemeanor; a second or subsequent conviction is punishable as a Class 2 misdemeanor. The bill provides exceptions to these provisions for: i) law-enforcement agencies and officers while engaged in official duties; ii) intelligence or security agencies of the federal government and their employees while engaged in official duties; and iii) telecommunications, broadband, or Voice-over-Internet protocol service providers in certain circumstances.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Anyone convicted of a first offense of the provisions of this bill is guilty of a Class 3 misdemeanor, which is punishable by a fine of up to \$500. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation.

A second or subsequent offense is punishable as a Class 2 misdemeanor, and is subject to a sentence of up to six 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None