

## **Department of Planning and Budget**

### **2019 Fiscal Impact Statement**

**1. Bill Number:** HB2678S1

<b>House of Origin</b>	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
<b>Second House</b>	<input checked="" type="checkbox"/>	In Committee	<input checked="" type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Simon

**3. Committee:** Senate Committee for Courts of Justice

**4. Title:** Unlawful dissemination or sale of images of another.

**5. Summary:** Currently, it is a Class 1 misdemeanor for any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells any videographic or still image created by any means that depicts another person who is totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast. However, if a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.

The Senate substitute adds that any person who falsely creates videographic or image would also be guilty of Class 1 misdemeanor.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary, (see Item 8 below).

**8. Fiscal Implications:** This bill expands an existing Class 1 misdemeanor related to the malicious dissemination or sale of certain videographic or still images, to include a prohibition on the dissemination of falsely created videographic or still images, as specified. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 varies from locality to locality. 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 jails; Local law enforcement; Courts.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is similar to SB1736.