

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** SB1047 ER

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

**2. Patron:** Cosgrove

**3. Committee:** Passed Both Houses

**4. Title:** Sex offenders in emergency shelters; notification registration.

- 5. Summary:** This bill requires any registered sex offender, or one who is required to reregister with the Sex Offender and Crimes Against Minors Registry, who enters an emergency shelter to notify a member of the shelter's security staff of his presence as soon as practicable after entry. This provision applies to any place or facility designated by the Commonwealth or any political subdivision that is being operated in response to a declared state or local emergency. Violation of this provision is punishable as a Class 3 misdemeanor.

The bill also prohibits denying anyone entry into an emergency shelter solely on the basis of his status as a registered sex offender unless such entry is otherwise prohibited by law. However, the bill provides that emergency shelter staff may deny entry of a person on such registry who has been convicted of a sexually violent offense, as defined in § [9.1-902](#), for a period of time necessary to ensure the safety of other individuals admitted to the emergency shelter.

The bill establishes that use of Registry information that is publicly available by emergency shelter staff pursuant to this section does not constitute a violation of the Misuse of Registry or Supplement Information statute (§ 9.1-918).

The Department of State Police is required to provide a summary of the provisions of this act to any person required to register on the Sex Offender and Crimes Against Minors Registry at the time of his initial registration.

**6. Budget Amendment Necessary:** No

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

- 8. Fiscal Implications:** Currently, the Department of Social Services (VDSS), which is the lead agency for establishing and managing state shelters, follows protocols set in section 5.3 of the State Managed Shelter Plan when interacting with registered sex offenders. These procedures require any individual who is listed in the Sex Offender and Crimes Against Minors Registry to notify the shelter management of his/her registry status upon entering a state managed shelter. The current protocols also allow VDSS to access the Sex Offender and Crimes Against Minors Registry and the National Registry for Sex Offenders to determine if an evacuee's name is a match in either Registry. Shelter security staff who are made aware of

any offenders in the shelters are required to maintain heightened observation. Therefore, this bill is similar to current protocols regarding sex offenders in the Commonwealth State Managed Shelter Plan with the exception of allowing emergency shelter staff to deny sexually violent offenders entry until the safety of other occupants can be ensured. Because this provision is permitted and not required, this bill is not expected to have a financial impact on VDSS operations.

According to the Department of State Police, providing the required summary of the provisions of this bill to first time registrants is not expected to impact agency operations.

A Class 3 misdemeanor is punishable by a fine of up to \$500. All revenue collected from 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.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Social Services, Virginia Department of State Police, local and regional jails, and Localities.

**10. Technical Amendment Necessary:** None

**11. Other Comments:** This bill is identical to HB2303 ER.