

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1736E

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

2. Patron: Ebbin

3. Committee: Senate Committee for Courts of Justice

4. Title: Unlawful dissemination or sale of images of another; falsely created videographic or still image.

5. Summary: Provides that a person is guilty of a Class 1 misdemeanor if he, with the intent to coerce, harass, or intimidate the depicted person, maliciously disseminates or sells any videographic or still image created by any means whatsoever that depicts another person who appears to be totally nude or in a state of undress, in addition to, under current law, a person who is totally nude or in such state of undress, so as to expose the genitals, pubic area, buttocks, or female breasts, where such person knows or has reason to know that he is not licensed or authorized to do so. This bill also clarifies that videographic or still image includes a falsely created videographic or still image. The version of the bill engrossed by the Senate strikes out the language “or appears to be” from the provision.

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.

The amendment in the bill engrossed by the Senate does not alter the fiscal impact noted for the introduced version of the bill.

9. Specific Agency or Political Subdivisions Affected: Local jails; Local law enforcement; Courts.

10. Technical Amendment Necessary: No

11. Other Comments: None