

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1563 H1

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

2. Patron: Leftwich

3. Committee: Courts of Justice

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

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 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.

The substitute bill allows the emergency shelter's staff to request a law-enforcement officer or agency to access the Registry. The substitute bill also requires that Commonwealth of Virginia Emergency Operations Plan (COVEOP), developed pursuant to § 44-146.18, and each political subdivision emergency operations plan developed pursuant to § 44-146.19 (powers and duties of political subdivisions) must (i) set forth the procedures for persons required to register or reregister who enter an emergency shelter to provide the notification required in the bill and (ii) provide for the accommodation in an emergency shelter of persons required to register or reregister with due regard to the health and safety of all persons in the emergency shelter.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. 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 the State Coordinated Regional Shelter Plan when interacting with registered sex offenders. Under the Plan, persons seeking shelter are advised that registered sex offenders are asked to self-

identify to Virginia Department of Social Services (VDSS) staff. Upon identification VDSS staff make Virginia State Police, the agency responsible for security, aware of registered sex offenders. Shelter staff will, to the extent possible, cross reference with the Sex Offender and Crimes Against Minors Registry. Therefore, this bill is similar to current protocols regarding sex offenders in the State Coordinated Regional Shelter Plan and, therefore, 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 Emergency Management, Virginia Department of State Police, local and regional jails, and localities.

10. Technical Amendment Necessary: None

11. Other Comments: None