

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB453

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

2. Patron: Wyatt

3. Committee: Committee Referral Pending

4. Title: Trespass with an unmanned aircraft system; local or state correctional facilities; penalty.

5. Summary: This bill prohibits any person from knowingly and intentionally causing an unmanned aircraft system to come within either a horizontal distance of 500 feet or a vertical distance of 250 feet from any local or state correctional facility. Violation of this provision is punishable as a Class 1 misdemeanor. Violation of this provision while a person delivers, attempts to deliver, or conspires with another to deliver any drug that is a controlled substance or marijuana to a prisoner confined in a local or state correctional facility is punishable as a Class 6 felony. Violation of this provision while a person delivers, attempts to deliver, or conspires with another to deliver firearms, ammunition, or explosives of any kind to a prisoner confined in a local or state correctional facility is punishable as a Class 5 felony. The bill provides exceptions for i) an unmanned aircraft system that is operated with written consent of the official in charge of the correctional facility and ii) a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, as permitted by state law governing the use of unmanned aircraft systems by public bodies.

6. Budget Amendment Necessary: Yes, Item 402.

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

8. Fiscal Implications: By creating new misdemeanor and felony offenses, this legislation may increase the number of people sentenced to jail or prison. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to five years in prison. For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to 12 months in jail, or one to ten years in prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. It also funds a considerable 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 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 854, 2019 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: None