Department of Planning and Budget
2020 Special Session 1 - Fiscal Impact Statement

1. **Bill Number:** HB5018

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

2. **Patron:** Weber

3. **Committee:** Committee Referral Pending

4. **Title:** Public health emergency; reports of suspected violations of orders and regulations; penalty; emergency

5. **Summary:** Provides that any system created by the Department of Health to receive information regarding an alleged violation of an order or regulation of the Board of Health or the Commissioner of Health enacted in response to a public health emergency related to a communicable disease of public health threat shall require, for each report received, the name, address, telephone number, and email address of the individual making the report. The bill makes knowingly making a false report of such violation a Class 1 misdemeanor. The bill includes an emergency clause.

6. **Budget Amendment Necessary**: Indeterminate, see item 8.

7. **Fiscal Impact Estimates:** Indeterminate, see item 8.

8. **Fiscal Implications:** The total fiscal impact this bill would have on the Commonwealth cannot be determined.

   Virginia Department of Health: VDH currently uses REDCap, which is a survey tool and database that captures complaints related to violations of COVID-19 Executive Orders. There will be no or negligible expenditures associated with the modification of this tool to capture the data outlined in the bill. Therefore, it is possible that there will be no fiscal impact associated with this bill.

   However, if the intent is for the agency to pursue criminal enforcement against complainants, there would be costs associated. For comparative purposes, VDH has requested additional support for the enforcement of the Governor's COVID-19 Executive Orders estimated at $4.5 million. This estimate would likely increase if VDH were required to actively investigate complaint origination and pursue misdemeanor charges against those suspected of knowingly filing false reports. While Titles 32.1 and 35.1 of the Code of Virginia currently provide for the option to pursue misdemeanor charges on a number of violations, VDH does not commonly pursue criminal cases. The bill is silent on the matter of active investigation and enforcement.

Additionally, there is no way to predict how many suspected false reports will require investigation if false reports become a misdemeanor. Approximately 20% of complaints added to the REDCap survey have been deemed unnecessary to require follow-up because a majority of these complaints are jokes or offensive statements in general, and not reports on specific businesses. VDH does not have data to estimate how many complaints are knowingly false reports against businesses.

This bill may have additional fiscal implications through the agency's increased exposure to liability associated with this bill.

Misdemeanors – Class 1: Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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. It also funds a large 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.

9. **Specific Agency or Political Subdivisions Affected:** The Virginia Department of Health's Office of Environmental Services.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.