Department of Planning and Budget
2021 Fiscal Impact Statement

1. **Bill Number:** HB2254H1

   House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

   Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron:** Convirs-Fowler

3. **Committee:** House

4. **Title:** Transmission of obscene image or video; penalty.

5. **Summary:** The substitute bill creates a new provision (§ 18.2-386.3) establishing a penalty for the unlawful dissemination of an unsolicited, obscene image of self to another. The bill substitute specifically prohibits "the dissemination of any unsolicited, obscene videographic or still image depicting such person totally nude, or in a state of undress so as to expose such person's own genitals, pubic area, buttocks, or female breast with the intent to coerce, harass, or intimidate." A violation of the prohibition is a Class 1 misdemeanor.

6. **Budget Amendment Necessary:** Indeterminate.

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

8. **Fiscal Implications:** By creating a new penalty for transmitting an obscene image or video, this proposal may increase the number of persons found guilty of a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than $2,500, either or both.

   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 varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2020), the estimated total state support for local jails averaged $34.59 per inmate, per day in FY 2019.

9. **Specific Agency or Political Subdivisions Affected:** Department of Corrections, Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

10. **Technical Amendment Necessary:** No

11. **Other Comments:** None