

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1583

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Sullivan

3. Committee: Courts of Justice

4. Title: Peeping or spying into a dwelling or enclosure; electronic device; penalty.

5. Summary: Prohibits any person from secretly or furtively peeping, spying, or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure of any nature occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same upon the person's own property that is leased or rented to another. The bill also prohibits any person from knowingly and intentionally causing an electronic device to do the same. Under current law, such acts are prohibited only when the person or electronic device enters upon the property of another.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The proposed legislation amends §18.2-130 (peeping or spying into dwelling or enclosure) and §18.2-130.1 (peeping or spying into a dwelling or occupied building by electronic device). Violation of these sections is 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. Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. However, the impact on the revenues of the Literary Fund as a result of this proposal are indeterminate at this time.

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 varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report

(November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys Office, Public Defender's Office, local and regional jails, and local and state law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.