

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1583S1

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

2. Patron: Sullivan

3. Committee: Committee on the Judiciary

4. Title: Peeping or spying into a dwelling or occupied building by electronic device; penalty.

5. Summary: The proposed bill expands §18.2-130.1 (Peeping or spying into dwelling, etc.) and provides that it is unlawful to knowingly or intentionally cause an unmanned aircraft system to secretly or furtively peep or spy or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure 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, without just cause, under circumstances that would violate the occupant's reasonable expectation of privacy.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The substitute bill amends § 18.2-130.1 (peeping or spying into a dwelling or occupied building by electronic device) of which a violation of the provisions under this section is a Class 1 misdemeanor, punishable by up to 12 months in jail and a fine of up to \$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' Offices, Public Defender's Office, local and regional jails, state and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.