

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1708

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: LaRock

3. Committee: Courts of Justice

4. Title: Prohibited sales and loans of materials deemed harmful to juveniles; exceptions; repeal.

5. Summary: Repeals § 18.2-391.1, the exceptions to application of the penalties for unlawfully selling, renting, or loaning to a juvenile or knowingly displaying for commercial purpose certain materials. Current exceptions include works of art, books, magazine, or other printed or manuscript material by an accredited museum, library, school, or institution of higher education, and the exhibition or performance of any play, drama, tableau, or motion picture by a theater, museum, school, or institution of higher education, either public or privately funded.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: The proposed legislation eliminates the exceptions to § 18.2-391, concerning penalties for providing certain materials to juveniles. A violation of subsection A, B, C, or D of § 18.2-391 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.

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.

A person or separate retail establishment who violates subsection E of § 18.2-391 is liable for a civil penalty not to exceed \$100 for a first violation, not to exceed \$200 for a second violation, and not to exceed \$500 for a third or subsequent violation. 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. Any potential fiscal impact on the Literary Fund as a result of the provisions of this bill are indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, law enforcement agencies, and local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.