

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** SB1291

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Deeds

**3. Committee:** Judiciary

**4. Title:** False emergency communication to emergency personnel; penalties; report.

**5. Summary:** Provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school.

**6. Budget Amendment Necessary:** Yes. Item 128 and Item 404.

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

**8. Fiscal Implications:** According to the Secretary of Education, the office does not currently have the capacity to support this workgroup within existing staff and appropriation. The office estimates that based on past contracts for workgroup administrators, approximately \$150,000 would be required in a one-time appropriation in FY 2024 to conduct the work of the workgroup. The Secretary of Public Safety and Homeland Security does not anticipate a fiscal impact as a result of the proposal.

According to the Virginia Criminal Sentencing Commission (VCSC), existing data are insufficient to estimate the number of new convictions likely to result from the proposal. However, such offenders may be sentenced similarly to those who have been convicted under existing provisions. Between FY 2017 and FY 2022, there were no felony convictions for false reports to law enforcement. During the same time period, there were 2,161 offenders that were convicted of a Class 1 misdemeanor for falsely summoning or giving a false report

to law enforcement. 71 percent did not receive an active period of incarceration, while 29 percent received a local-responsible (jail) sentence with a median sentence of 20 days. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Under the provisions of the proposal, it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report based on false information provided by such person, a false emergency communication that results in an emergency response. 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.

- 9. Specific Agency or Political Subdivisions Affected:** Courts, Commonwealth's Attorneys, Public Defenders' Office, Department of Corrections, Secretary of Education, Secretary of Public Safety and Homeland Security, state and local law enforcement agencies, local and regional jails.

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

**11. Other Comments:** None.